

United States District Court
for the District of Utah

Request and Order to Withdraw Warrant or Summons

Name of Offender: **David William Riding**

Docket Number: **2:98-CR-00270-001-BSJ**

Name of Sentencing Judicial Officer: **Honorable Bruce S. Jenkins**

Date of Original Sentence: **December 28, 1998**

Original Offense: **Manufacture of Methamphetamine**

Original Sentence: **60 months custody**

Type of Supervision: **60 months supervised release** Supervision Began: **In NV Custody**

FILED
CLERK, U.S. DISTRICT COURT
2005 FEB 15 P 1:45
BY: _____
DEPUTY CLERK

PETITIONING THE COURT

☒ To withdraw the warrant issued October 8, 2002.

CAUSE

On September 6, 2002, the defendant completed his term of confinement with the Bureau of Prisons and was released to a detainer filed by the Elko County Sheriff's Office. On September 23, 2002, the defendant was released from the custody of the Elko County Sheriff's Office; however, there was no information that he was released to the Nevada Department of Corrections.

On October 7, 2002, USPO John Warner submitted a Petition for a Warrant based upon the allegation that the defendant failed to report to the probation office after the completion of his prison term and his whereabouts were unknown. On October 8, 2002, the Court issued the Warrant.

On February 10, 2005, Mr. Riding's attorney, Randall Gaither, notified this officer that the defendant had been in continuous custody in the State of Nevada from September 6, 2002, to February 9, 2005, and was scheduled to be paroled on February 17, 2005.

On February 11, 2005, this officer independently confirmed that the defendant has been in continuous custody in the State of Nevada. Accordingly, it is recommended that the warrant issued on October 8, 2002, be withdrawn.

I declare under penalty of perjury that the foregoing is true and correct

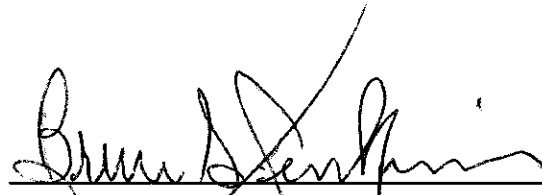


Karan D. Pace, Supervising, U.S. Probation Officer
Date: February 15, 2005

31

THE COURT ORDERS:

- ☒ That the warrant issued October 8, 2002 be
withdrawn
- ☐ No action
- ☐ Other



Honorable Bruce S. Jenkins
United States District Judge

Date: 2/15/05

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:98-cr-00270

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

US Probation
DISTRICT OF UTAH
,
EMAIL

United States Marshal Service
DISTRICT OF UTAH
,
EMAIL

Mr. Richard D McKelvie, Esq.
US ATTORNEY'S OFFICE
,
EMAIL

FILED
DISTRICT COURT
7005 FEB 15 P 1:57
CENTRAL DIVISION
SALT LAKE CITY, UTAH

BY: _____
DEPUTY CLERK

1

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1

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1

SO ORDERED.

BY THE COURT:

Bruce

Bruce S. Jenkins
United States Senior District Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:99-cr-00317

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

US Probation
DISTRICT OF UTAH
/
EMAIL

United States Marshal Service
DISTRICT OF UTAH
/
EMAIL

Audrey K. James, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

Vanessa M. Ramos-Smith, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

Leshia M. Lee-Dixon, Esq.
US ATTORNEY'S OFFICE
/
EMAIL

JANET HUGIE SMITH (A3001)
FREDERICK R. THALER (A7002)
RAY QUINNEY & NEBEKER
36 South State Street, Suite 1400
Post Office Box 45385
Salt Lake City, Utah 84145-0385
Phone: (801) 532-1500
Facsimile: (801) 532-7543

Attorneys for Defendant Autoliv ASP, Inc.

FILED
CLERK, U.S. DISTRICT COURT
2005 FEB 15 P 1:56
DISTRICT OF UTAH
BY: _____
DEPUTY CLERK

RECEIVED CLERK

FEB 14 2005

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
NORTHERN DIVISION

HEIDI PEASE,

Plaintiff,

v.

AUTOLIV ASP, INC.

Defendant.

**ORDER OF DISMISSAL WITH
PREJUDICE**


Case No. 1:03-CV-00075

Judge J. Thomas Greene

Based upon the Joint Stipulation submitted by the parties in the above-entitled matter, the Court ORDERS that the above-referenced matter is dismissed with prejudice, each side to bear its own costs and attorneys' fees.

DATED this 15th day of February, 2005.

BY THE COURT:


The Honorable J. Thomas Greene

APPROVED AS TO FORM

DORIUS BOND REYES & LINARES

A handwritten signature in dark ink, appearing to read 'Dale M. Dorius', is written over a horizontal line.

Dale M. Dorius
Justin C. Bond

Attorneys for Plaintiff

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing **ORDER OF DISMISSAL WITH PREJUDICE** was mailed, postage prepaid, on this 14th day of February, 2005 to the following:

Justin C. Bond
DORIUS BOND REYES & LINARES
29 South Main
P.O. Box 895
Brigham City, UT 84302

Wizaeon

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 1:03-cv-00075

True and correct copies of the attached were either mailed, faxed or e-mailed
by the clerk to the following:

Ms. Janet Hugie Smith, Esq.
RAY QUINNEY & NEBEKER
36 S STATE ST STE 1400
PO BOX 45385
SALT LAKE CITY, UT 84145-0385
EMAIL

Justin C. Bond, Esq.
29 S MAIN ST
PO BOX 895
BRIGHAM CITY, UT 84302
EMAIL

FILED
CLERK, U.S. DISTRICT COURT

2005 FEB 15 P 1:56

RECEIVED CLERK

FEB - 8 2005

U.S. DISTRICT COURT

DISTRICT OF UTAH

BY: _____ IN THE UNITED STATES DISTRICT COURT
DEPUTY CLERK DISTRICT OF UTAH, CENTRAL DIVISION

NICHOLAS MUEHLBERGER,

Plaintiff,

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security

Defendant.

Case No.: 2:03CV 00312JTG
Honorable J. Thomas Greene

ORDER

Based on Defendant's Unopposed Motion to Continue Hearing and for good cause shown,


IT IS HEREBY ORDERED THAT the hearing currently scheduled for Wednesday, February 23, 2005, is continued to a date yet to be determined by this Court.

Mond 8, 2005 at 3:00 PM

*JTB
2/15/05*

DATED this 15th day of February, 2005.

By the Court:


Honorable J. Thomas Greene
United States District Court

28

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cv-00312

True and correct copies of the attached were either mailed, faxed or e-mailed
by the clerk to the following:

Scott Patrick Bates, Esq.
US ATTORNEY'S OFFICE
,
EMAIL

Mr. John J. Borsos, Esq.
PO BOX 112347
SALT LAKE CITY, UT 84147-2347
EMAIL

FILED
CLERK, U.S. DISTRICT COURT

2005 FEB 15 P 1:56

PAUL M. WARNER, United States Attorney (# 3389)

JOHN K. MANGUM, Assistant United States Attorney (# 2072)

john.mangum@usdoj.gov

185 South State Street #400

Salt Lake City, Utah 84111

Telephone: (801) 524-5682

Attorneys for Plaintiff United States

RECEIVED
RECEIVED CLERK
FEB 14 2005
FEB 15 2005
U.S. DISTRICT COURT
OFFICE OF JUDGE
J. THOMAS GREENE

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH - CENTRAL DIVISION

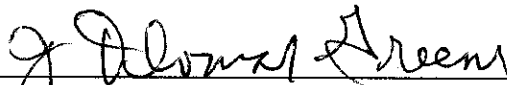
UNITED STATES OF AMERICA,	)	Case no. 2:99CV 0145 JTG
)	
Plaintiff,	)	ORDER APPROVING STIPULATION
vs.	)	FOR TIME EXTENSION FOR FILING
	)	REPLY OF PLAINTIFF
BRUCE LEE DUNN, et al.,)	
	)	Judge J. Thomas Greene
Defendants.)	

Having reviewed the stipulation for an extension of time for Plaintiff to file its reply, signed by counsel of the only parties to date who have briefed any part of the Plaintiff's pending motion for summary judgment filed December 10, 2004, and finding adequate cause for said extension,

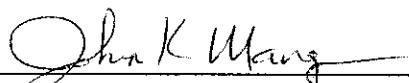
IT IS HEREBY ORDERED that Plaintiff may have an extension of time to and including Monday, February 28, 2005, in which to file and serve Plaintiff's reply memorandum and any appropriate accompanying documents responding to the opposing memoranda of defendants dated January 31, 2005, and their accompanying papers.


DATED this 15th day of February, 2005.

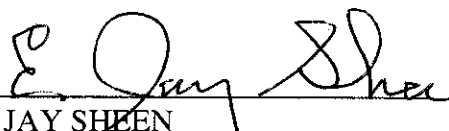
BY THE COURT:


Hon. J. Thomas Greene
District Court Judge

Approved:


PAUL M. WARNER
United States Attorney
JOHN K. MANGUM
Assistant United States Attorney
Attorneys for Plaintiff


BRENT R. ARMSTRONG
STEVEN R. PAUL
ARMSTRONG LAW OFFICES
Attorneys for Defendants Jacobsen, et al.


E. JAY SHEEN
ROBINSON & SHEEN
Attorneys for Defendants Dunn, et al.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a true and accurate copy of the foregoing [proposed] ORDER APPROVING STIPULATION FOR TIME EXTENSION FOR FILING REPLY OF PLAINTIFF was mailed, United States first-class postage prepaid, or otherwise delivered as indicated, addressed as shown below, this 14th day of February, 2005.

John R. Woolsey
P.O. Box 392
Morgan, Utah 84050

Lillie E. Woolsey
H.C. 35 Scofield
Route Box 410, Clear Creek
Helper, Utah 84526

Rick L. Rose
Kristine M. Larsen
RAY QUINNEY & NEBEKER
Attorneys for Oakland Homes of Utah
P. O. Box 45385
Salt Lake City, Utah 84145

Brent R. Armstrong
Steven R. Paul
Armstrong Law Offices
50 W. 300 S., Ste. #150
Salt Lake City, Utah 84101-2006

E. Jay Sheen
Robinson & Sheen
215 So. State St., Ste. 960
Salt Lake City, UT 84111

Ilene Pass

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:99-cv-00145

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Rick L. Rose, Esq.
RAY QUINNEY & NEBEKER
36 S STATE ST STE 1400
PO BOX 45385
SALT LAKE CITY, UT 84145-0385
EMAIL

Mr. Jay Sheen, Esq.
ROBINSON & SHEEN LLC
215 S STATE STE 960
SALT LAKE CITY, UT 84111
EMAIL

Mr. Randall S Feil, Esq.
OSWALD & FEIL
3748 BOUNTIFUL BLVD
BOUNTIFUL, UT 84010

Mr. John K Mangum, Esq.
US ATTORNEY'S OFFICE
,
EMAIL

Mr. Brent R. Armstrong, Esq.
ARMSTRONG LAW OFFICES
STE 150 BANK ONE TOWER
50 W 300 S
SALT LAKE CITY, UT 84101-2006

Hilda M. Madsen
2912 REDWOOD AVE
COSTA MESA, CA 92626

Helen L. Watts
4724 S 700 E NO. 48
MURRAY, UT 84107

George M. Harmond Jr, Esq.
PO BOX 550
PRICE, UT 84501

JFAX 8,435,6374448

Lillie E. Woolsey
HC 35 BOX 410
CLEAR CREEK RT
HELPER, UT 84526

John R. Woolsey
PO BOX 392
MORGAN, UT 84050

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED
2005 FEB 15 P 1:57

JOHNNY RAY CALDWELL,

Plaintiff,

v.

UTAH STATE TAX COMM'N et al.,

Defendants.

DISTRICT OF UTAH

Case No. 2:04-CV-957-JTG


O R D E R

In an order dated October 25, 2004, the Court granted Plaintiff's request to proceed in forma pauperis. See 28 U.S.C.A. § 1915 (West Supp. 2004). In a follow-up order, on December 3, 2004, the Court required Plaintiff to within thirty days pay an initial partial filing fee of \$23.51 and submit a consent to have the remaining fee collected in increments from his inmate account. The Court notes that, to date, Plaintiff has done neither.

IT IS THEREFORE ORDERED that Plaintiff's complaint is dismissed without prejudice.

DATED this 15th day of February, 2005.

BY THE COURT:


J. THOMAS GREENE
United States District Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00957

True and correct copies of the attached were either mailed, faxed or e-mailed
by the clerk to the following:

Johnny Ray Caldwell
UTAH STATE PRISON
#23798
PO BOX 250
DRAPER, UT 84020

Laron J. Lind, Esq.
UTAH ATTORNEY GENERAL'S OFFICE
160 E 300 S FIFTH FL
PO BOX 140874
SALT LAKE CITY, UT 84114-0874
EMAIL

Utah Attorney Generals Office
UTAH ATTORNEY GENERAL'S OFFICE
236 STATE CAPITOL
SALT LAKE CITY, UT 84114

United States District Court
for the District of Utah

FILED
CLERK, U.S. DISTRICT COURT

Request and Order for Modifying Conditions of Supervision
With Consent of the Offender

(Waiver of hearing attached)

2005 FEB 15 P 1:16 PM
DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

Name of Offender: **Robyn Cherish MARINE**

Docket Number: **2:02-CR-00165-001-DB**

Name of Sentencing Judicial Officer: **Honorable Dee Benson**

Date of Original Sentence: **April 15, 2003**

Original Offense: **Possession of Stolen Mail**

Original Sentence: **Nine months prison; 36 months supervised release**

Supervision Began: **April 24, 2003**

PETITIONING THE COURT

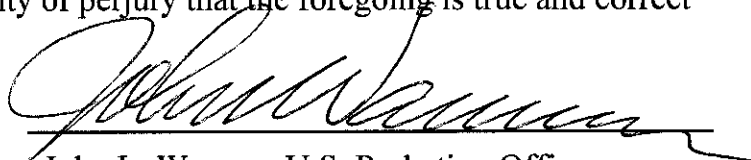
☒ To modify the conditions of supervision as follows:

As an additional condition of supervised release, Robyn Marine will reside at a community treatment center for up to six months.

CAUSE

Robyn Marine is homeless.

I declare under penalty of perjury that the foregoing is true and correct

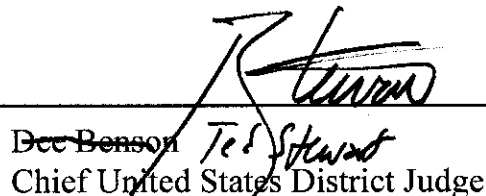


John L. Warner, U.S. Probation Officer

Date: February 15, 2005

THE COURT ORDERS:

- ☒ The modification of conditions as noted above
☐ No action
☐ Other


Dee Benson Ted Stewart
Chief United States District Judge

Date: 2/15/05

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
PROBATION AND PRETRIAL SERVICES OFFICE****WAIVER OF RIGHT TO HEARING PRIOR TO
MODIFICATION OF CONDITIONS OF SUPERVISION**

I have been advised by United States Probation Officer John L. Warner that he has submitted a petition and report to the Court recommending that the Court modify the conditions of my supervision in case number 2:02-CR-00165-001-DB. The modification would be:


As an additional condition of supervised release, Robyn Marine will reside at a community treatment center for up to six months.

I understand that should the Court so modify my conditions of supervision, I will be required to abide by the new condition as well as all conditions previously imposed. I also understand the Court may issue a warrant and revoke supervision for a violation of the new condition as well as those conditions previously imposed by the Court. I understand I have a right to a hearing on the petition and to prior notice of the date and time of the hearing. I understand that I have a right to the assistance of counsel at that hearing.


Understanding all of the above, I hereby waive the right to a hearing on the probation officer's petition, and to prior notice of such hearing. I have read or had read to me the above, and I fully understand it. I give full consent to the Court considering and acting upon the probation officer's petition to modify the conditions of my supervision without a hearing. I hereby affirmatively state that I do not request a hearing on said petition.



Robyn Cherish MARINE



Date



Witness: John L. Warner
United States Probation Officer

kvs

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:02-cr-00165

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

US Probation
DISTRICT OF UTAH

/
EMAIL

United States Marshal Service
DISTRICT OF UTAH

/
EMAIL

Samuel J. Schmidt, Esq.
USPS WESTERN AREA LAW OFFICE
9350 S 150 E #800
SANDY, UT 84070-2716
EMAIL

United States District Court
District of Utah

Markus B. Zimmer
Clerk of Court

Louise S. York
Chief Deputy

February 16, 2005

In the matter of:

USA v. Sotelo

U.S. District Court Case Number: 1:03-CR-84-TS
USCA Court Case Number: 04-4285

On 02/11/05, pursuant to the Order of the U.S. Court of Appeals for the Tenth Circuit, the
Mandate in the above-cited case was filed and docketed.

Sincerely,

Markus B. Zimmer, Clerk

By: /S
Aaron Paskins
Appeal's Clerk

cc:
Judge Ted Stewart
Counsel of Record

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 1:03-cr-00084

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

US Probation
DISTRICT OF UTAH
,
EMAIL

United States Marshal Service
DISTRICT OF UTAH
,
EMAIL

Todd A. Utzinger, Esq.
UTZINGER & PERRETTA
562 S MAIN ST 2ND FL
BOUNTIFUL, UT 84010
EMAIL

David F. Backman, Esq.
US ATTORNEY'S OFFICE
,
EMAIL

United States District Court
District of Utah

Markus B. Zimmer
Clerk of Court

Louise S. York
Chief Deputy

February 16, 2005

In the matter of:

Novell Inc v. Jalco

U.S. District Court Case Number: 2:00-CV-646-PGC
USCA Court Case Number: 04-4190 and 04-4191

On 02/11/05, pursuant to the Order of the U.S. Court of Appeals for the Tenth Circuit, the
Mandate in the above-cited case was filed and docketed.

Sincerely,

Markus B. Zimmer, Clerk

By: /S
Aaron Paskins
Appeal's Clerk

cc:
Judge Paul G. Cassell
Counsel of Record

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:00-cv-00646

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Alister C. Miller
GOREE UNIT
#848014
PO BOX 38
HUNTSVILLE, TX 77344

Joseph Lacayo
15405 VIA PALOMINO
MONTE SERENO, CA 85030

Mr. H. Dickson Burton, Esq.
TRASK BRITT PC
230 S 500 E #300
SALT LAKE CITY, UT 84102
EMAIL

David E. Newhouse, Esq.
NEWHOUSE & ASSOC
477 NINTH AVE #112
SAN MATEO, CA 94402-1858

Gregory M. Hess, Esq.
PARR WADDOUPS BROWN GEE & LOVELESS
185 S STATE ST STE 1300
PO BOX 11019
SALT LAKE CITY, UT 84147
EMAIL

Stuff
C/O ALISTER MILLER
20142 S SHORE DR
MONTGOMERY, TX 77356-3462

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

2:03CR 1015DB

Plaintiff,

vs.

O R D E R

LANDON THOMAS STOKOE,

Defendant.

Based upon the motion filed by the United States and the facts in support thereof, this Court HEREBY ORDERS that the February 14, 2005, trial date in this matter be stricken. The trial in this matter will commence on the 4 day of April 2005, at 8:30 AM

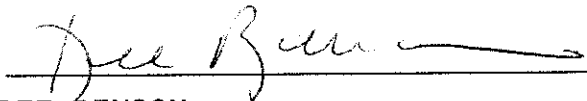
This Court finds that a continuance is necessary in order to allow the government to review the discovery, and to conduct further investigation based upon the evidence provided by Ms. Gorman, and therefore, the ends of justice served by the granting of such continuance outweigh the best interest of the public and the defendant in a speedy trial, and that the failure to grant such a continuance could result in a miscarriage of justice.

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Therefore, this Court ORDERS, pursuant to 18 U.S.C.
§ 3161(h)(8)(A), that all time between the filing of this motion
and the new trial date be excluded from the time within which the
trial of this offense be commenced.

DATED this 12th day of ~~January~~^{Feb}, 2005.

BY THE COURT:


DEE BENSON
United States District Court Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cr-01015

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Felice J. Viti, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Ms. Deirdre A Gorman, Esq.
205 26TH ST STE 32
OGDEN, UT 84401
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

United States District Court District of Utah

UNITED STATES OF AMERICA

vs.

John D. Baker

AMENDED JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 1:03-cr-00128-001 DB

Plaintiff Attorney: Vernon Stejskal

Defendant Attorney: Vanessa Ramos-Smith

Atty: CJA ___ Ret ___ FPD ☒

Defendant's Soc. Sec. No.: _____

Defendant's Date of Birth: _____

Defendant's USM No.: 110004-081

Defendant's Residence Address: _____

Country _____

02/10/2005

Date of Imposition of Sentence

Defendant's Mailing Address:

SAME

SAME

Country _____

THE DEFENDANT:

☒ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)
which was accepted by the court.

☐ was found guilty on count(s)

COP 11/23/2004 Verdict _____

I-Superceding Indictment

Title & Section
21USC§841(a)(1)

Nature of Offense
Accessory After the Fact to Manufacture
Methamphetamine

**Count
Number(s)**
Is

Entered on docket
2/16/05 by:
KVS
Deputy Clerk

☐ The defendant has been found not guilty on count(s)

☒ Count(s) I-Indictment (is)(are) dismissed on the motion of the United States.

SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of **21 months. The defendant shall receive 6 months credit for time served.**

Upon release from confinement, the defendant shall be placed on supervised release for a term of **3 years.**

☐ The defendant is placed on Probation for a period of _____
The defendant shall not illegally possess a controlled substance.

666

Defendant: John D. Baker
Case Number: 1:03-cr-00128-001 DB

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant shall submit to drug/alcohol testing as directed by the probation office and pay a one-time \$115.00 fee to partially defer the costs of collection and testing. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment under a co-payment plan as directed by the probation office.

2. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ _____, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:
No Fine Imposed

☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).

☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**

- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

Defendant: John D. Baker
Case Number: 1:03-cr-00128-001 DB

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
Envirosolve, LLC 2120 Southwest Boulevard Tulsa, OK., 74107 DEA cases #ML 03-0501; ML 03-5057 Job Date 05/02/03 Location: Utah RE Invoice Nos: 13030501D and 13030501L	3,271.20	3,271.20
Totals:	\$ 3,271.20	\$ 3,271.20

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☒ Restitution is payable as follows:

☒ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☒ other:

This amount is joint and several and has also been ordered in Second District Court, Ogden, Utah in case nos. 031902185-Douglas Lamar Hurst; #031902187-Gretchen Elaine Spell and #031902188-James Stanley Spell.

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ _____

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

Defendant: John D. Baker
Case Number: 1:03-cr-00128-001 DB

RECOMMENDATION

☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

The Court recommends a Federal Correctional Institution at Nellis, NV., The Court also recommends a drug re-hab program

CUSTODY/SURRENDER

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district at

on

☒ The defendant shall report to the institution designated by the Bureau of Prisons by
1:00 p.m. Institution's local time, on Wednesday, March 9, 2005.

DATE:

2/14/2005



Dee Benson

United States District Judge

Defendant: John D. Baker
Case Number: 1:03-cr-00128-001 DB

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 1:03-cr-00128

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Colleen K. Coebergh, Esq.
29 S STATE ST #007
SALT LAKE CITY, UT 84111
EMAIL

Vanessa M. Ramos-Smith, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

United States Marshal Service
DISTRICT OF UTAH
,
EMAIL

US Probation
DISTRICT OF UTAH
,
EMAIL

BRIAN M. BARNARD
JAMES L. HARRIS, Jr.
UTAH LEGAL CLINIC

Attorneys for Plaintiff
214 East Fifth South Street
Salt Lake City, Utah 84111-3204
Telephone: (801) 328-9531
Facsimile: (801) 328-9533

USB # 0215
USB # 8204

FILED
CLERK'S OFFICE
2005 FEB 14 P. 2
RECEIVED CLERK
FEB 8 2005
DISTRICT OF UTAH
U.S. DISTRICT COURT
BY: DEE BENSON
CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

GEORGE CRAIG JONES,

Plaintiff,

vs.

**SPA FITNESS CENTERS, a Utah
Corporation dba LIFESTYLES 2000
FITNESS CENTER; et al.,**

Defendants.

ORDER OF DISMISSAL

Case No. 2:04-CV-00270 DB

Hon. Benson

This matter comes before the Court upon the Motion to Dismiss filed by the petitioner.

BASED THEREON, the Court hereby dismisses the Complaint with prejudice.

DATED this 19th day of FEBRUARY 2005.

FOR THE COURT

Dee Benson

Dee Benson, District Judge

20

CERTIFICATE OF MAILING

I hereby certify that I caused to be mailed a true and correct copy of the foregoing
ORDER OF DISMISSAL to:

THOMAS J, KLC
Attorney for Defendants
4725 South Holladay Blvd. #110
Salt Lake City, Utah 84117

on the 4th day of FEBRUARY, 2005, postage prepaid in the United States Postal Service.

UTAH LEGAL CLINIC
Attorneys for PETITIONER

by: 

JAMES L. HARRIS, JR.

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00270

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Brian M. Barnard, Esq.
UTAH LEGAL CLINIC
214 E 500 S
SALT LAKE CITY, UT 84111-3204
EMAIL

Mr. Thomas J Klc, Esq.
4725 S HOLLADAY BLVD #110
SALT LAKE CITY, UT 84117

FILED
CLERK U.S. DISTRICT COURT
JUN 14 P 2 00
JAMES L. HARRIS
CLERK

David R. Olsen (2458)
Paul M. Simmons (4668)
DEWSNUP, KING & OLSEN
2020 Beneficial Life Tower
36 South State Street
Salt Lake City, Utah 84111
Telephone: (801) 533-0400
Facsimile: (801) 363-4218

Lauren I. Scholnick (7776)
Ralph E. Chamness (6511)
STRINDBERG, SCHOLNICK & CHAMNESS, LLC
44 Exchange Place, 2nd Floor
Salt Lake City, UT 84111
Telephone: (801) 359-4169
Facsimile: (801) 359-4313
Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

JOHN C. HANSEN and KRISTEN HANSEN,
individually and as guardians of MATTHEW
HANSEN, their minor child,

Plaintiffs,

vs.

FARMERS INSURANCE EXCHANGE,
TRUCK INSURANCE EXCHANGE, MID-
CENTURY INSURANCE COMPANY,
FARMERS GROUP, INC., HELMSMAN
MANAGEMENT SERVICES, INC.,
HELMSMAN MANAGEMENT SERVICES,
LLC., BERNIE ELDRIDGE, and LEE VAIL,

Defendants.

**ORDER DENYING MOTION TO DISMISS
PLAINTIFFS' THIRD CLAIM FOR RELIEF
WITHOUT PREJUDICE**

Case No. 1:04-cv-00151

Judge Dee Benson


28

Defendants Farmers Insurance Exchange, Truck Insurance Exchange, Mid-Century Insurance Company, Farmers Group, Inc., Bernie Eldridge and Lee Vail (hereinafter collectively referred to as "Farmers") Motion to Dismiss Third Claim for Relief was heard on Friday, February 4, 2005 at 11:00 a.m. by the Honorable Dee Benson, Chief District Judge. The Plaintiffs were represented by David R. Olsen of and for DEWSNUP KING & OLSEN. The Farmers Defendants were represented by Paul M. Belnap and Stuart H. Schultz of and for STRONG & HANNI. Defendants Helmsman Management Services, Inc. and Helmsman Management Services, LLC, (hereinafter "Helmsman") were represented by Scott T. Evans of and for CHRISTENSEN & JENSEN.

IT IS HEREBY ORDERED that Farmers' Motion to Dismiss Plaintiffs' Third Claim for Relief is denied without prejudice.

DATED this 14th day of February, 2005.


BY THE COURT:



Honorable Dee Benson
Chief District Judge
United States District Court for the
District of Utah

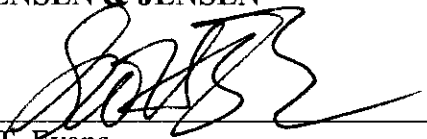
APPROVED AS TO FORM:

STRONG & HANNI

By: 

Paul M. Belnap
Stuart H. Schultz
Attorneys for Farmers Defendants

CHRISTENSEN & JENSEN

By: 

Scott T. Evans
Attorneys for Helmsman Defendants

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 1:04-cv-00151

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. David R Olsen, Esq.
DEWSNUP KING & OLSEN
36 S STATE ST STE 2020
SALT LAKE CITY, UT 84111
EMAIL

Lauren I. Scholnick, Esq.
STRINDBERG SCHOLNICK & CHAMNESS LLC
44 EXCHANGE PL 2ND FL
SALT LAKE CITY, UT 84111
EMAIL

Paul M. Belnap, Esq.
STRONG & HANNI
3 TRIAD CTR STE 500
SALT LAKE CITY, UT 84180
EMAIL

Mr. Phillip S Ferguson, Esq.
CHRISTENSEN & JENSEN PC
50 S MAIN STE 1500
SALT LAKE CITY, UT 84144
EMAIL

Craig V. Wentz, 3681
CHRISTENSEN & JENSEN, P.C.
50 South Main Street, Suite 1500
Salt Lake City, Utah 84144
Telephone: (801) 323-5000
Attorneys for Defendants

FILED
CLERK, U.S. DISTRICT COURT
205 FEB 14 P 2:00
DISTRICT OF UTAH
BY:
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT IN AND FOR
THE STATE OF UTAH

HELEN L. WYATT,

Plaintiff,

vs.

STEPHEN WILKINS NEBEKER; ROUND
HILL SECURITIES, INC.; and DOES 1-10,

Defendants.

**ORDER GRANTING DISMISSAL
WITH PREJUDICE**

Case No. 2:30 CV 000961

The Court, based upon stipulation of counsel, and for good cause appearing, HEREBY
ORDERS that the above entitled and numbered matter is voluntarily dismissed, with prejudice,
upon the merits, with each party to bear its own costs and attorneys' fees.

DATED this 14th day of February, 2005.

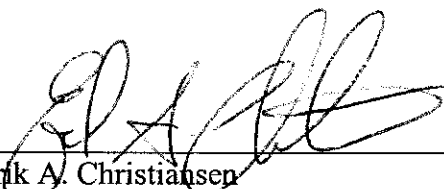
BY THE COURT:

Dee Benson
Dee Benson, District Judge
District Court of Utah

6

APPROVED AS TO FORM:

PARSONS BEHLE & LATIMER



Erik A. Christiansen

Attorneys for Plaintiff

CLERK OF COURT'S CERTIFICATE OF SERVICE

This is to certify that on the ____ day of _____, 2005, a true and correct copy
of the foregoing Order was mailed, first-class postage prepaid, to:

Erik A. Christiansen
PARSONS BEHLE & LATIMER
201 South Main Street Suite 1800
Salt Lake City UT 84111
Attorneys for Claimant

Craig V. Wentz
CHRISTENSEN & JENSEN, P.C.
50 South Main Street, Suite 1500
Salt Lake City, Utah 84144
Attorneys for Respondents

United States District Court
for the
District of Utah
February 16, 2005

kvs

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cv-00961

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Erik A. Christiansen, Esq.
PARSONS BEHLE & LATIMER
201 S MAIN ST STE 1800
PO BOX 45898
SALT LAKE CITY, UT 84145-0898
EMAIL

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

CLEALON B. MANN; NANELL H.
MANN; RONALD J. PASKETT;
MARSHA M. PASKETT; CARDIFF
ASSOCIATED PROPERTY OWNERS;
SALT LAKE COUNTY, UTAH;
UTAH STATE TAX COMMISSION;
NORMA K. BROWN, as conservator
for MORBA H. CLEMENT; NORMA
K. BROWN, as trustee for THE
MORBA H. CLEMENT FAMILY
TRUST

Defendants.

Civil No. 2:04CV00205 DB RECEIVED CLERK

FEB 11 2005

U.S. DISTRICT COURT

JUDGMENT

On motion of plaintiff, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, the Clerk of this Court having entered default against defendant Norma K. Brown, as conservator for Morba H. Clement and as trustee for the Morba H. Clement Family Trust, it is hereby

ORDERED AND ADJUDGED as follows:

1) Judgment is entered on behalf of the United States and against Norma K. Brown, as conservator for Morba H. Clement and as trustee for the Morba H. Clement Family Trust, on all claims to relief in the United States' Complaint in this action.

20

2) Further, judgment is entered that the interests of the United States in the real property described in the Complaint, and located at 9750 Big Cottonwood Road, Salt Lake City, Utah 84121, are superior to the interests, if any, of Norma K. Brown, as conservator for Morba H. Clement and as trustee for the Morba H. Clement Family Trust.

DATED this 14th day of February, 2005.

Dee Benson
United States District Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00205

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Jeannette F. Swent, Esq.
US ATTORNEY'S OFFICE

EMAIL

Rickey Watson, Esq.
US DEPARTMENT OF JUSTICE
555 4TH STREET NW
WASHINGTON, DC 20001
EMAIL

Jay W. Taylor, Esq.
PO BOX 901340
SANDY, UT 84090-1340
EMAIL

Thomas William Peters, Esq.
SALT LAKE COUNTY ATTORNEYS OFFICE
2001 S STATE ST STE 3400
SALT LAKE CITY, UT 84190

Mr. John T. Anderson, Esq.
ANDERSON & KARRENBORG
50 W BROADWAY STE 700
SALT LAKE CITY, UT 84101
EMAIL

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

CLEALON B. MANN; NANELL H.
MANN; RONALD J. PASKETT;
MARSHA M. PASKETT; CARDIFF
ASSOCIATED PROPERTY OWNERS;
SALT LAKE COUNTY, UTAH;
UTAH STATE TAX COMMISSION;
NORMA K. BROWN, as conservator
for MORBA H. CLEMENT; NORMA
K. BROWN, as trustee for THE
MORBA H. CLEMENT FAMILY
TRUST

Defendants.

Civil No. 2:04CV00205 DB

RECEIVED CLERK

FEB 11 2005

U.S. DISTRICT COURT

JUDGMENT

On motion of plaintiff, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, the Clerk of this Court having entered default against defendant Utah State Tax Commission, it is hereby

ORDERED AND ADJUDGED as follows:

1) Judgment is entered on behalf of the United States and against Utah State Tax Commission on all claims to relief in the United States' Complaint in this action.

2) Further, judgment is entered that the interests of the United States in the real property described in the Complaint, and located at 9750 Big Cottonwood Road, Salt

21

Lake City, Utah 84121, are superior to the interests, if any, of Utah State Tax Commission.

DATED this 14th day of February, 2005.

Dee Benson
United States District Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00205

True and correct copies of the attached were either mailed, faxed or e-mailed
by the clerk to the following:

Jeannette F. Swent, Esq.
US ATTORNEY'S OFFICE

/
EMAIL

Rickey Watson, Esq.
US DEPARTMENT OF JUSTICE
555 4TH STREET NW
WASHINGTON, DC 20001
EMAIL

Jay W. Taylor, Esq.
PO BOX 901340
SANDY, UT 84090-1340
EMAIL

Thomas William Peters, Esq.
SALT LAKE COUNTY ATTORNEYS OFFICE
2001 S STATE ST STE 3400
SALT LAKE CITY, UT 84190

Mr. John T. Anderson, Esq.
ANDERSON & KARRENBERG
50 W BROADWAY STE 700
SALT LAKE CITY, UT 84101
EMAIL

Bradley N. Roylance #7773
BRADLEY N. ROYLANCE, PLC
Attorney for Plaintiff
50 South Main, Suite 1550
Salt Lake City, Utah 84144
Telephone: (801) 524-9323
Facsimile: (801) 524-4920

FILED
CLERK, U.S. DISTRICT COURT
2005 FEB 14 P 6 RECEIVED
DISTRICT OF UTAH
BY: DEPT. CLERK
FEB 10 2005
JUDGE'S COPY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

KENNETH O. GIVINS,

Plaintiff,

vs.

JO ANNE B. BARNHART,
Commissioner of the Social
Security Administration

Defendant.

Court No. 2:04CV-881

UNOPPOSED MOTION FOR THE
ENLARGEMENT OF TIME

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, the Plaintiff Kenneth Givins, by and through his counsel, Bradley N. Roylance, hereby moves this Court for an order enlarging the time for Plaintiff to issue Summons and serve complaint on Defendant. Plaintiff hereby requests an extension of time until February 21, 2005.

Defendant's counsel has not signed this motion, but has allowed Plaintiff's counsel to represent to the court, by the way of this motion, that Defendant's counsel has no objection to the requested enlargement of time.

5

WHEREFORE, Plaintiff respectfully requests that the scheduling order be revised as set forth above.

DATED this 7th day of February, 2005.



Bradley N. Roylance
Attorney for Plaintiff

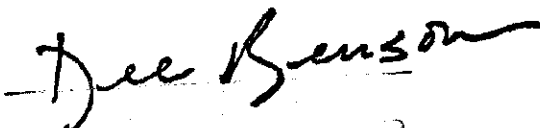
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing UNOPPOSED MOTION FOR THE ENLARGEMENT OF TIME, was mailed, postage prepaid to all party named below, this 10th day of February 2005.

Paul M. Warner, United States Attorney
Scott Bates, Assistant United States Attorney
Attorneys for the United States of America
185 South State Street, #400
Salt Lake City, Utah 84111

SO ORDERED




Dee Benson

Date 2/14/05

kvs

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00881

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Bradley N. Roylance, Esq.
NEIDER & ROYLANCE
50 S MAIN #1550
SALT LAKE CITY, UT 84144
EMAIL

FILED
CLERK, U.S. DISTRICT COURT

2005 FEB 15 A 9:24

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

BY: _____
DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOE MARIO VELARDE,

Defendant.

:

:

:

:

:

ORDER

Case No. 2:04-CR-0457 TC

TO THE SALT LAKE COUNTY SHERIFF:

You are hereby ORDERED to admit a staff investigator for the Utah Federal Defender Office for purposes of inspecting and photographing the jail and infirmary area.

This must be done immediately.

DATED this 15 day of February, 2005.



TENA CAMPBELL
United States District Judge

SP

alt

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cr-00457

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

David F. Backman, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Mr. L. Clark Donaldson, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

Joseph E. Hatch (U.S.B. #1415)

Attorney at Law

5295 South Commerce Drive

Suite 200

Murray, UT 84107

Phone: (801) 268-4042

Fax: (801) 747-1049

Attorney for Defendants George Neckel, Jobs With Justice, and Utah Coalition of Jobs With Justice

FILED
CLERK, U.S. DISTRICT COURT
2005 FEB 14 P
RECEIVED CLERK
BY: DEPUTY CLERK
FEB - 9 2005
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

International Association of United Workers
Union; Ronald Elden Mattingly; Vickie
Mattingly; Nevin Pratt; International
Association United Workers Union, Local
No.1-02; Chris Grundvig; Dana Jenkins;
Warren Pratt; F. Mark Hansen,

C. W. Mining Company, d/b/a Co-Op Mining
Company; Earl Stoddard; Charles Reynolds;
Dorothy Sanders; Wendell Owen; Ken Defa;
Rodney Anderson; Robert Brown; Cyril
Jackson; Jared Stephens; Freddy Stoddard;
Jim Stoddard; Shain Stoddard; Ethan Tucker;
Randy Defa; Kevin Peterson; Elden Stephens;
Jose Ortega,

PLAINTIFFS

vs.

United Mine Workers of America; Cecil
Roberts; Carlo Tarley; David Piaz; Mike
Dalpiaz; Bob Butero; Robert Guilfoyle; Larry
Huestis; Francisco Picado; Jim Stevenson;
Dallas Wolf; Archie Archuleta;

(Caption continued next page)

ORDER ON
MOTION FOR
EXTENSION OF TIME TO
RESPOND TO COMPLAINT
OF
DEFENDANTS GEORGE NECKEL, JOBS
WITH JUSTICE, AND
UTAH COALITION OF JOBS WITH
JUSTICE

Civil Action No. 2:04CV00901
Honorable Dee Benson

11

Gerardo Aguilar; Ricardo Chavez; William (Bill) Estrada; Hector Flores; Natividad Flores; Daniel Hernandez; Guillermo Hernandez; Alyson Kennedy; Berthila Leon; Domingo Olivas; Celso Panduro; Rigo Rodriguez; Gonzalo Salazar; Jesus Salazar; Jose Juan Salazar; Ana Maria Sanchez; Samud Villa;

AFL-CIO; Andy Levin; AFL-CIO, Utah Chapter; Ed Mayne; AFSCME Council 6, AFL-CIO; Philadelphia Council AFL-CIO; Patrick Eiding;

Greater Southeastern Massachusetts Labor Council; Paper, Allied-Industrial, Chemical & Energy Workers International Union; Paper Allied-Industrial, Chemical and Energy Workers Local ; Local 14 United Automobile, Aerospace and Agricultural Implement Workers of America;

Socialist Workers Party; Norton Sandler; Roberto Villanueva; The Militant; Roger Calero; Argiris Malapanis; Guy Tremblay; Connie Allen; Luis Astorga; Katherine Bennett; Joel Britton; Anne Carrol; Becky Ellis; Guillermo Esquivel; Betsy Farley; Chris Hoeppner; Michael Italie; Martin Koppel; Frank Miller; Pat Miller; Teri Moss; Anne Parker; Francisco Picado; Jay Ressler; Marco Antonio Rivera; Talmar Rosenfeld; Bernie Senter; Maggie Trowe; Karen Tyler; Maurice Williams;

(Caption continued next page)

Salt Lake Tribune Publishing Company, LLC
d/b/a Salt Lake Tribune; Tom Baden; Tim
Fitzpatrick; Ron Morris;
Melissa Galbraith; Rhina Guidos; Corey
Hilton; Pamela Manson; Steven Oberbeck;
Glen Wharchol; Tom Wharton;

Deseret Morning News Marathon, LLC d/b/a
Deseret Morning News; John Hughes;
Marjorie Cortez; Tiffany Erickson; Elaine
Jarvik; Jennifer K. Nii;

Jobs with Justice; Utah Coalition of Jobs with
Justice; George Neckel;

Tapestry Against Polygamy; Rowenna
Erickson; The Center for Public Education
and Information on Polygamy; Carmen
Thompson; Hans G. Ehrbar;

Does 1-200,

DEFENDANTS

ORDER ON MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT OF
DEFENDANTS GEORGE NECKEL, JOBS WITH JUSTICE, AND UTAH COALITION OF
JOBS WITH JUSTICE

For good cause the above named Defendants' Motion is granted and Defendants George
Neckel, Jobs With Justice, and Utah Coalition of Jobs With Justice shall have until March 1,
2005 to respond to the Amended Complaint.

Dated this 14th day of February, 2005.

BY THE COURT:



THE HONORABLE JUDGE
DEE BENSEN

CERTIFICATE OF SERVICE

I certify that a true and correct copy of The Order on Motion For Extension of Time To Respond to the Complaint Of Defendants George Neckel, Jobs With Justice, and Utah Coalition Of Jobs With Justice was mailed, first class, postage prepaid on 2/09/05, to:

F. Mark Hansen
F. Mark Hansen P.C.
431 North 1300 West
Salt Lake City, Utah 84116

Carl K. Kingston
3212 South State Street
Salt Lake City, Utah 84115

Judith Rivlin
United Mine Workers of America
8315 Lee Highway
Fairfax, Virginia 22031

Arthur F. Sandack
Attorney at Law
8 East Broadway, Suite 510
Salt Lake City, UT 84111

Kathleen Norton

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00901

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. F. Mark Hansen, Esq.
431 N 1300 W
SALT LAKE CITY, UT 84116
EMAIL

Mr. Carl E Kingston, Esq.
3212 S STATE ST
SALT LAKE CITY, UT 84115
JFAX 9,4873971

Mr. Arthur F Sandack, Esq.
8 E BROADWAY STE 510
SALT LAKE CITY, UT 84111
EMAIL

Jeffrey J. Hunt, Esq.
PARR WADDOUPS BROWN GEE & LOVELESS
185 S STATE ST STE 1300
PO BOX 11019
SALT LAKE CITY, UT 84147
EMAIL

Mr. Steven K Walkenhorst, Esq.
UTAH ATTORNEY GENERAL'S OFFICE
LITIGATION UNIT
160 E 300 S 6TH FL
PO BOX 140856
SALT LAKE CITY, UT 84114-0856
EMAIL

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED
CLERK OF COURT
FEB 15 P 3:57

TONY ALEXANDER HAMILTON,)
)
Petitioner,) Case No. 2:03-CV-757 TS
)
v.)
)
MIKE CHABRIES,) O R D E R
)
Respondent.)

Petitioner, Tony Alexander Hamilton, moves for judgment on the pleadings and an expedited decision.

IT IS HEREBY ORDERED that Petitioner's motions are DENIED as inappropriate in this case's current posture. Petitioner's case is proceeding in the normal course of Court business. The Court just received the State's response to Petitioner's petition about three weeks ago. Now, the Court is awaiting any possible reply Petitioner may wish to make. After the period passes for Petitioner's reply, at its earliest convenience, the Court will review the pleadings to resolve this case.

DATED this 16 day of February, 2005.

BY THE COURT:



~~BROOKE C. WELLS~~ DAVID NUKER
United States Magistrate Judge

14

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cv-00757

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Civil Litigation, Esq.
CIVIL APPEALS
160 E 300 S SIXTH FLOOR
PO BOX 140856
SALT LAKE CITY, UT 84114-0856

Criminal Appeals, Esq.
CRIMINAL APPEALS
160 E 300 S SIXTH FLOOR
PO BOX 140854
SALT LAKE CITY, UT 84114-0854
JFAX 9,3660167

Christopher D. Ballard, Esq.
UTAH ATTORNEY GENERAL'S OFFICE
160 E 300 S 6TH FLOOR
PO BOX 140854
SALT LAKE CITY, UT 84114-0854
EMAIL

Tony Alexander Hamilton
CENTRAL UTAH CORRECTIONAL FACILITY
#30302
PO BOX 550
GUNNISON, UT 84634

FILED
CLERK, U.S. DISTRICT COURT
2005 FEB 15 P 2:15

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

BY: DEPUTY CLERK

SANDRA BERRYHILL

Plaintiff(s),

vs.

OUTSOURCE RECEIVABLE, et al.

Defendant(s).

**NOTICE REGARDING COURTESY
COPIES**

Case No: 1:05-CV-14 TS

District Judge Ted Stewart

Magistrate Judge David Nuffer

This case has been referred to the magistrate judge under 28 U.S.C. § 636(b). Courtesy copies provided for the magistrate judge through the clerk's office in the manner provided in DUCivR 5-1(a)(3)¹ may not be available to the magistrate judge for several days after filing due to docketing and circulation procedures.

To provide the magistrate judge with more prompt access to courtesy copies of materials filed, the materials should be provided in the conventional manner, as the Rule directs **and** by

(a) email to utmj_nuffer@utd.uscourts.gov² **or**

(b) fax to 801 526 1159 **or**

(c) delivery to chambers at Room 483, U.S. Courthouse, 350 South Main Street,
Salt Lake City, Utah.

¹ "At the time of filing, the clerk will require: . . . (3) the original and *two (2)* copies of all pleadings, motions, and other papers pertaining to a matter that has been referred to a magistrate judge."

² WordPerfect or text-based PDF format is preferred. Microsoft Word format and PDF documents created by scanning are also acceptable when such formats are necessary.

3

In the event copies are not provided in one of these three accelerated methods, materials may be delayed. Additional information is at <http://www.utd.uscourts.gov/judges/nuffer.html>.

February 14, 2005.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'DN', written over a horizontal line.

David Nuffer
U.S. Magistrate Judge

jmr

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 1:05-cv-00014

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Denver C. Snuffer Jr., Esq.
NELSON SNUFFER DAHLE & POULSEN
10885 S STATE ST
SANDY, UT 84070
JFAX 9,5761960

United States District Court **District of Utah**

FILED
CLERK, U.S. DISTRICT COURT
2005 FEB 16 A 8:48
DEPUTY CLERK

UNITED STATES OF AMERICA

vs.

CESAR LOPEZ-RAMIREZ

aka Luis Gonzalez, Cesar Martinez-Ortega
Cesar Ramirez Lopez, Alfonso Ramirez Martinez,
Alfonso Ramirez, Alfonso Martinez-Ramirez,
Carlos Martinez-Ortega,
Cesar Lopez Ramires, Bonsho Martinez-Ortega,
Alfonso Ramirez-Martinez.

Defendant's Soc. Sec. No.: None

Defendant's Date of Birth: _____

Defendant's USM No.: 08301-081

Defendant's Residence Address: _____

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: **2:04-CR-00501-001 TS**

Plaintiff Attorney: Dustin B. Pead

Defendant Attorney: Carlos A. Garcia

Atty: CJA ___ Ret ___ FPD ☒

02/15/2005

Date of Imposition of Sentence

Defendant's Mailing Address: _____

Same

Country _____

THE DEFENDANT:

☒ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)
which was accepted by the court.

☐ was found guilty on count(s)

COP 12/07/2004 Verdict _____

I of the Indictment

Title & Section

8 U.S.C. § 1326

Nature of Offense

Reentry of a Previously Removed Alien

Count

Number(s)

I of the Indictment

Entered on docket

[Signature] by:

[Signature]
Deputy Clerk

☐ The defendant has been found not guilty on count(s)

☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.

SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of **13 Months with immediate remand to the Bureau of Immigration and Custom Enforcement for deportation proceedings.**

Upon release from confinement, the defendant shall be placed on supervised release for a term of **36 Months**

20

- ☐ The defendant is placed on Probation for a period of _____.
The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant shall not re-enter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release.

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ _____, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:
No Fine Imposed

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--

Totals: \$ _____ \$ _____

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

- ☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ other: _____

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ _____

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

DEPARTURE

The Court does not grant the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure:

RECOMMENDATION

☐ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau _____

Defendant: CESAR LOPEZ-RAMIREZ
Case Number: 2:04-CR-00501-001 TS

Page 4 of 5

of Prisons:

CUSTODY/SURRENDER

- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district at _____ on _____.
- ☐ The defendant shall report to the institution designated by the Bureau of Prisons by _____ Institution's local time, on _____.

DATE:

2/15/05



Ted Stewart
United States District Judge

Defendant: CESAR LOPEZ-RAMIREZ
Case Number: 2:04-CR-00501-001 TS

Page 5 of 5

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

jmr

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cr-00501

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Dustin B. Pead, Esq.
US ATTORNEY'S OFFICE
,
EMAIL

Carlos A. Garcia, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

United States Marshal Service
DISTRICT OF UTAH
,
EMAIL

US Probation
DISTRICT OF UTAH
,
EMAIL

FILED
CLERK, U.S. DISTRICT COURT

2005 FEB 16 A 8:48

DEPUTY CLERK

JOHN J. BORSOS Utah Bar Number 384

JOHN J. BORSOS, P. C.

Attorney for Plaintiff

115 East Social Hall Avenue

P. O. Box 112347

Salt Lake City, UT 84147-2347

(801) 533-8883 FAX (801) 533-8877

JENNIFER LEAVITT,

Plaintiff,

vs.

JOANNE B. BARNHART, Commissioner,
Social Security Administration,

Defendant.

Civil No. 2:04 CV 827 TS

ORDER

Based upon Plaintiff's unopposed motion for enlargement of time, and for good cause shown,

IT IS HEREBY ORDERED that the filing dates for the parties' briefs be set as follows:

1. Plaintiff's Brief may be filed by February 18, 2005.
2. Defendant's Answer Brief may be filed by March 18, 2005.
3. Plaintiff may file a Reply Brief by April 1, 2005.

DATED this 15th day of February, 2005

BY THE COURT:


UNITED STATES DISTRICT COURT JUDGE

7

jmr

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00827

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. John J. Borsos, Esq.
PO BOX 112347
SALT LAKE CITY, UT 84147-2347
EMAIL

Scott Patrick Bates, Esq.
US ATTORNEY'S OFFICE
EMAIL

FILED
CLERK, U.S. DISTRICT COURT
2005 FEB 16 A 8:48
DIST. P. CH. CLERK
BY: DEPUTY CLERK

JOHN J. BORSOS Utah Bar Number 384
JOHN J. BORSOS, P.C.
Attorney for Plaintiff
Post Office Box 112347
Salt Lake City, Utah 84147-2347
(801) 533-8883 FAX (801) 533-8877

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

JOEL PETERSON,
Plaintiff,

v.

JOANNE B. BARNHART, Commissioner
Social Security Administration,
Defendant.

Civil No. 2:04 CV 00339 TS

ORDER

Based upon Plaintiff's unopposed motion for enlargement of time, and for good cause shown,
IT IS HEREBY ORDERED that Plaintiff may have until February 7, 2005 to file his reply brief.

DATED this 15th of February, 2005.

BY THE COURT:


UNITED STATES DISTRICT COURT JUDGE

15

jmr

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00339

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. John J. Borsos, Esq.
PO BOX 112347
SALT LAKE CITY, UT 84147-2347
EMAIL

Scott Patrick Bates, Esq.
US ATTORNEY'S OFFICE
/
EMAIL

United States District Court District of Utah

FILED
CLERK U.S. DISTRICT COURT
2005 FEB 16 A 8:48

UNITED STATES OF AMERICA

vs.

LORA ADELL DALTON

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: **2:04-CR-00128-004 TS**

Plaintiff Attorney: **Lynda Rolston Krause**

Defendant Attorney: **Jeremy Delicino**

Atty: CJA ☒ Ret ☐ FPD ☐

Defendant's Soc. Sec. No.:

Defendant's Date of Birth:

Defendant's USM No.: **11320-081**

Defendant's Residence Address:

Country **USA**

02/15/2005
Date of Imposition of Sentence

Defendant's Mailing Address:

SAME

Country

THE DEFENDANT:

- ☒ pleaded guilty to count(s)
☐ pleaded nolo contendere to count(s)
which was accepted by the court.
☐ was found guilty on count(s)

COP **09/14/2004** Verdict

2 of the Indictment

Title & Section
18 U.S.C. § 1708

Nature of Offense
Possession of Stolen Mail

Count Number(s)
2 of the Indictment

Entered on docket
by:

Deputy Clerk

- ☐ The defendant has been found not guilty on count(s)
☒ Count(s) **3 of the Indictment** (is)(are) dismissed on the motion of the United States.

SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of **15 Months**

Upon release from confinement, the defendant shall be placed on supervised release for a term of **36 Months**

- ☐ The defendant is placed on Probation for a period of .
The defendant shall not illegally possess a controlled substance.

115

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant shall provide the probation office access to all requested financial information.
2. The defendant shall abide by the following occupational restrictions:
 - A. The defendant shall not have direct or indirect control over the assets or funds of others.
 - B. The defendant is to inform any employer or prospective employer of her current conviction and supervision status.
3. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing. If testing reveals illegal drug use, the defendant shall participate in drug and or/alcohol abuse treatment under a co-payment plan as directed by the United States Probation Office.
4. The defendant shall participate in a mental health treatment program under a co-payment plan, as directed by the probation office.
5. The defendant shall take any mental health medications as prescribed, and shall not possess or consume alcohol.
6. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of conditions of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches, pursuant to this condition.

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ _____, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.

☒ other:
No Fine Imposed

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:
- _____

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--

Totals: \$ _____ \$ _____

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

- ☐ Restitution is payable as follows:
- ☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ other:
- _____

- ☒ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until May 19, 2005 pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).
- ☒ An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ _____

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

DEPARTURE

The Court does not grant the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure:

RECOMMENDATION

- ☐ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

CUSTODY/SURRENDER

- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☒ The defendant shall surrender to the United States Marshal for this district at
12:00 noon on Monday, March 14,
2005
- ☐ The defendant shall report to the institution designated by the Bureau of Prisons by
Institution's local time, on _____.

DATE:

2/15/05



Ted Stewart
United States District Judge

Defendant: LORA ADELL DALTON
Case Number: 2:04-CR-00128-004 TS

Page 5 of 5

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cr-00128

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Lynda Rolston Krause, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Todd A. Utzinger, Esq.
UTZINGER & PERRETTA
562 S MAIN ST 2ND FL
BOUNTIFUL, UT 84010
EMAIL

Jeremy M. Delicino, Esq.
MCCAUGHEY & METOS
10 W BROADWAY STE 650
SALT LAKE CITY, UT 84101
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

FILED
CLERK, U.S. DISTRICT COURT

2005 FEB 16 4 18 PM

RECEIVED CLERK

FEB - 7 2005

U.S. DISTRICT COURT

UNITED STATES OF AMERICA,
Plaintiff,

v.

BRANDON VOORHEES,
Defendant.

ORDER FOR EXTENSION OF TIME

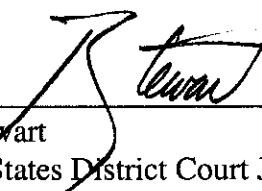
Case No. 2:05 CR 46 TS

Based on the motion for extension of time filed by defendant in the above-entitled case,
and good cause appearing,

It is hereby ORDERED that the Appellant's Motion for Extension of Time for filing his
opening brief, be extended to February 11th, 2005.

Dated this 15th day of February, 2005.

BY THE COURT:



Ted Stewart
United States District Court Judge

4

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00046

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Stanley H Olsen, Esq.
US ATTORNEY'S OFFICE
,
EMAIL

Benjamin C. McMurray, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

United States Marshal Service
DISTRICT OF UTAH
,
EMAIL

US Probation
DISTRICT OF UTAH
,
EMAIL

United States District Court
District of Utah

Markus B. Zimmer
Clerk of Court

Louise S. York
Chief Deputy

February 16, 2005

Mr. Patrick Fisher, Clerk
United States Court of Appeals
for the Tenth Circuit
1823 Stout Street
Denver, CO 80257

RE: RECORD ON APPEAL
Buck v. US Patent Office -- 04-4147 and 05-4015
Lower Docket: 2:03-CV-783-TS

Dear Mr. Fisher:

We hand you herewith, by FedEx mail, Volumes I-II of the record on appeal in the above-referenced case.

Volume:	Contents:
I.	Consisting of documents 1-47.
II.	Consisting of documents 48-85.

Please acknowledge receipt of this record on appeal by signing the enclosed copy of this letter and returning it to my attention.

Sincerely,

Markus B. Zimmer, Clerk

By: /S
Aaron Paskins
Appeals Clerk

cc: Counsel of Record

FedEx Mail Receipt No.: 7909 2074 8545

ACKNOWLEDGMENT OF RECEIPT:

Received by: _____

Date: _____

85

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cv-00783

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Joseph J. Joyce, Esq.
STRONG & HANNI
3 TRIAD CTR STE 500
SALT LAKE CITY, UT 84180
EMAIL

Nicholas G. Papastavros, Esq.
NIXON PEABODY
100 SUMMER ST
BOSTON, MA 02110-2131

Ms. Carlie Christensen, Esq.
US ATTORNEY'S OFFICE
/
EMAIL

Edward Allen Buck
2346 E CHARROS RD
SANDY, UT 84092

FILED
CLERK, U.S. DISTRICT COURT

2005 FEB 16 A 8:48

DISTRICT OF UTAH

DEPUTY CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

J. BRONSON, G. LEE COOK and D.
COOK,

Plaintiffs,

vs.

SHERRIE SWENSEN, Salt Lake County
Clerk, VAL RASSMUSSEN, Salt Lake
County Clerk, Marriage Division; LORIE
TAFOYA, Deputy Clerk, Supervisor,
Marriage Division,

Defendants.

ORDER DISMISSING
DEFENDANTS RASSMUSSEN
AND TAFOYA

Case No. 2:04-CV-21 TS

Pursuant to the parties' Stipulation, it is therefore

ORDERED that Defendants Val Rassmussen and Lorie Tafoya be DISMISSED and
their names removed from the caption.

DATED this 15th day of February, 2005.

BY THE COURT:



TED STEWART
United States District Judge



United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00021

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Brian M. Barnard, Esq.
UTAH LEGAL CLINIC
214 E 500 S
SALT LAKE CITY, UT 84111-3204
EMAIL

Mr. Jerrold S. Jensen, Esq.
UTAH ATTORNEY GENERAL'S OFFICE
160 E 300 S FIFTH FL
PO BOX 140874
SALT LAKE CITY, UT 84114-0874
EMAIL

Andrew G Deiss, Esq.
JONES WALDO HOLBROOK & MCDONOUGH
170 S MAIN ST STE 1500
PO BOX 45444
SALT LAKE CITY, UT 84145-0444
EMAIL

Marci A. Hamilton, Esq.
36 TIMBER KNOLL DR
WASHINGTON CROSSING, PA 18977

FILED
CLERK, U.S. DISTRICT COURT
2005 FEB 16 A 8:48

U.S. DISTRICT COURT
DEPUTY CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

J. BRONSON, G. LEE COOK and D.
COOK,

Plaintiffs,

vs.

SHERRIE SWENSEN, Salt Lake County
Clerk,

Defendant.

ORDER ON MOTIONS FOR
SUMMARY JUDGMENT

Case No. 2:04-CV-21 TS

Before the Court are Plaintiffs' Motion for Summary Judgment and Defendant's Cross Motion for Summary Judgment. The opposing motions address the same issue: the constitutionality of Utah Code Ann. §76-7-101, Utah Constitution, Article III, §1, and the Utah Enabling Act.¹ These statutes prohibit the religious practice of polygamy by outlawing bigamy or "polygamous or plural marriages."

Plaintiffs Cook are husband and wife. Plaintiff G. Lee Cook seeks a marriage license to marry Plaintiff J. Bronson. Plaintiff D. Cook consents to such marriage.

¹Utah Enabling Act, ch. 138, §3, 28 Stat. 107, 108 (1894).

39

Defendant refuses to issue a marriage license for the marriage of G. Lee Cook and J. Bronson, citing Utah law.

Plaintiffs assert that plural marriage is a deeply held religious belief and that Defendant's refusal to permit a legal marriage deprives them of their constitutional rights to free exercise of their religious beliefs, right of association and their right to privacy, as protected by the First, Fourteenth, and other Amendments to the Constitution of the United States.

UNDISPUTED FACTS

The facts in this case are not disputed. Plaintiffs assert that it is their sincere and deeply held religious belief that the doctrine of plural marriage -- that is, that a man have more than one wife -- is a belief that is ordained of God and is to be practiced and encouraged. Plaintiffs characterize their belief to be similar to the practice of polygamy by the Church of Jesus Christ of Latter-Day Saints (Mormons) prior to 1890.

In order to practice their religious belief, Plaintiffs sought a license to permit G. Lee Cook and J. Bronson to marry. On December 22, 2003, Plaintiffs sought a marriage license by filling out the required application and tendering the license fee. When G. Lee Cook revealed to Defendant that he was already married, both by indicating such on the application and then orally, and that he sought to marry a second wife, Defendant refused to issue the marriage license.

CHALLENGED STATUTES

Utah Code Ann. § 76-7-101 prohibits polygamy in Utah by outlawing bigamy:

(1) A person is guilty of bigamy when, knowing he has a husband or wife or knowing the other person has a husband or wife, the person purports to marry another person or cohabits with another person.

Id. Polygamy is also prohibited by the Utah Constitution, Article III, §1:

Perfect toleration of religious sentiment is guaranteed. No inhabitant of the State shall ever be molested in person or property on account of his or her mode of religious worship; but polygamous or plural marriages are forever prohibited.

Id.

This language of the Constitution is required by the Enabling Act² which permitted Utah to join the Union, but with certain conditions, including a proscription of polygamy. This language provides, "That polygamous or plural marriages are forever prohibited."

Plaintiffs' Complaint challenges the constitutionality of these provisions of federal and state law.

SUMMARY JUDGMENT STANDARD

Summary judgment is appropriate if there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ.P. 56(c). In this case, as previously noted, there are no issues of fact in dispute.

STANDING

At the outset, Defendant asserts that Plaintiffs lack standing to challenge the constitutionality of the statutory and constitutional provisions at issue. Defendant relies on the three "irreducible" minimum requirements for standing required by the Constitution as set forth in *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992):

²Utah Enabling Act, Ch. 138, §3.

First, the plaintiff must have suffered an injury in fact - an invasion of a legally protected interest which is (a) concrete and particularized; and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct complained of - the injury has to be "fairly..trace[able] to the challenged action of the defendant, and not . . . the result [of] the independent action of some third party not before the court." Third, it must be "likely," as opposed to merely "speculative," that the injury will be "redressed by a favorable decision."

Id. at 504.

Defendant asserts that Plaintiffs fail to meet all three requirements. Defendant focuses primarily on the first requirement, arguing that Plaintiffs' injuries are speculative because they have not been charged under the criminal statute cited above, nor have they been threatened with prosecution under that statute.

Plaintiffs do not assert that they have been prosecuted, nor that they face imminent prosecution, for their private sexual conduct. This court does not construe such to be the issue before it. What Plaintiffs do assert is that they hold sincere and deeply held religious beliefs that the doctrine of plural marriage, *i.e.*, that a man should have more than one wife, is a doctrine that is ordained of God and is to be practiced and encouraged. The Complaint asserts that Plaintiffs were denied a marriage license, the document necessary to make their marriage legal, because of the statutes and constitutional provisions in question. It is not contested that Defendant refused to issue a license for the polygamous marriage in reliance on the statutes and constitutional provisions in question. Plaintiffs have thus shown the necessary injury - an injury that is concrete and particularized and is, in fact, actual and imminent.

Second, Plaintiffs have shown that there is a causal connection between the injury and the conduct complained of, the injury (denial of the legal right to practice polygamy) being clearly traceable to the Defendant's action of relying on the statutes and provisions in question in denying Plaintiffs a marriage license.

Plaintiffs have also shown that the injury they claim would be redressed by a favorable opinion. If this court were to find that the statutes and provisions at issue were unconstitutional under current Supreme Court rulings, Plaintiffs would be entitled to a marriage license and their injury would be redressed.

The Court therefore finds that Plaintiffs have standing to bring this action.

CONSTITUTIONALITY

The question of the constitutionality of Utah's laws prohibiting the practice of polygamy is not a new question before the courts. This court will not attempt to give the history of all the cases that have addressed that very issue, but will confine itself to a brief discussion of the recent, relevant cases addressing the question.

In the case *Potter v. Murray City*, 760 F.2d 1065 (10th Cir. 1985), the court affirmed a district court decision rejecting a claim that the laws in question were in violation of Plaintiff's right to free exercise of religion as follows:

We are in agreement with the district court that the State of Utah beyond the declaration of policy and public interest implicit in the prohibition of polygamy under criminal sanction, has established a vast and convoluted network of other laws clearly establishing its compelling state interest in and commitment to a system of domestic relations based exclusively upon the practice of monogamy as opposed to plural marriage. Monogamy is inextricably woven into the fabric of our society. It is the bedrock upon which our culture is built. *Cf. Zablocki v. Redhail*, 434 U.S. 374, 384 (1978)(marriage is foundation of family and society; "a bilateral

loyalty"). In light of these fundamental values, the State is justified, by a compelling interest, in upholding and enforcing its ban on plural marriage to protect the monogamous marriage relationship.

Id. at 1070 (quoting *Potter v. Murray City*, 585 F. Supp. 1126, 1138 (D. Utah 1984)).

Thus, the law in the Tenth Circuit is that the State of Utah has a compelling state interest in banning plural marriage.

Instructive for purposes of this order is the fact that the court in *Potter* analyzed the continuing validity of *Reynolds v. United States*, 98 U.S. 145 (1878), in which the Supreme Court upheld the criminal conviction of a Mormon for practicing polygamy, and rejected the argument that a prohibition on polygamy violated the right to the free exercise of religion. The *Potter* court relied on the fact that *Reynolds* continued to be cited with approval by the Supreme Court in subsequent decisions, including cases cited by the defendant in *Potter* for the proposition that *Reynolds* was no longer controlling, as clear evidence that it was still the law of the land. *Id.* at 1069.

The Plaintiff in *Potter* also raised the right to privacy:

Plaintiff argues that his constitutional right to privacy prohibits the State of Utah from sanctioning him for entering into a polygamous marriage. Again we disagree. We find no authority for extending the constitutional right of privacy so far that it would protect polygamous marriages. We decline to do so.

Potter, 760 F.2d at 1070-1071.

As recently as 2002, the Tenth Circuit rejected a challenge to the constitutionality of Utah's prohibition against polygamy. In the unpublished decision in *White v. Utah*, 41 Fed. Appx. 325 (10th Cir. 2002), the Circuit rejected a plaintiff's constitutional challenge to

the prosecution of another individual for practicing polygamy, citing *Reynolds* and *Potter*. *Id.* at 326.

In *State v. Green*, 99 P.3d 820 (2004), the Utah Supreme Court noted the continuing validity of *Reynolds*, and further held that even if it were “to extend its reasoning beyond *Reynolds*, Utah’s bigamy statute would survive a federal free exercise of religion challenge under the most recent standards enunciated by the United States Supreme Court.” *Id.* at 20.

Plaintiffs seem to face an insurmountable hurdle. Not only does it appear that *Reynolds* is still the law of the land on the issue of polygamy and the free exercise of religion, but in this Circuit it has been held that the State of Utah has a compelling state interest in protecting monogamous marriage.

The only question, therefore, is whether more recent rulings by the Supreme Court have undermined *Reynolds* or the above-cited Tenth Circuit cases as controlling authority.

Plaintiffs cite several recent Supreme Court decisions. However, the Court finds none of them to be helpful to Plaintiffs’ position. Plaintiffs rely on *Employment Division, Department of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990), in which the Supreme Court considered the constitutionality of an Oregon prohibition of the use of peyote, including its usage for religious or sacramental purposes. In finding such a prohibition was not an unconstitutional infringement on the free exercise clause of the First Amendment, the Court cited the *Reynolds* case as authority for its holding. *Id.* at 1596.

Another example is the 1993 decision of *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993). The Supreme Court held that city ordinances that

burdened a religious practice need not be justified by a compelling state interest if the ordinance is neutral and of general applicability. If not neutral or of general applicability, the government must show both a compelling governmental interest and that the laws were narrowly tailored to advance that interest. In its opinion, the Supreme Court cited *Reynolds* as an example of the following proposition: "To be sure, adverse impact will not always lead to a finding of impermissible targeting. For example, a social harm may have been a legitimate concern of government for reasons quite apart from discrimination." *Id.* at 535. Clearly, *Reynolds* retained its vitality as recently as 1993.

Even if this court were to ignore such fact, and were to find that either *Smith* or *Lukumi*, or both, could be construed to allow this court to find that the Utah laws prohibiting polygamy were to be subject to a strict scrutiny, Tenth Circuit precedent in *Potter* dictates the finding that there is a compelling state interest in the protection of monogamous marriage. Plaintiffs have not made a convincing argument that the statutes and constitutional provisions in question are not narrowly tailored to meet that compelling state interest.

Plaintiffs also cite the recent decision of the Supreme Court of *Lawrence v. Texas*, 539 U.S. 558 (2003). In *Lawrence*, the Supreme Court ruled that the State of Texas could not criminalize the petitioner's private sexual conduct of sodomy. The Court held that such conduct was a protected liberty interest and that the State of Texas had failed to establish a rational basis for criminalizing such conduct. Plaintiffs herein assert that *Lawrence* is to be read to require the state to sanction their polygamous marriage.

It is important to note what the Court in *Lawrence* did and did not do. As the majority opinion states, "The present case does not involve minors. It does not involve persons who might be injured or coerced or who are situated in relationships where consent might not easily be refused. It does not involve **public conduct**. . . . It does **not involve whether the government must give formal recognition to any relationship** that homosexual persons seek to enter. The case does involve two adults who, with full and mutual consent from each other, engaged in sexual practices common to a homosexual lifestyle." *Id.* at 578.

Giving the required deference to the Supreme Court's own stated limitations of its *Lawrence* holding, this court cannot hold that *Lawrence* can be read to require the State of Utah to give formal recognition to a public relationship of a polygamous marriage. Contrary to Plaintiffs' assertion, the laws in question here do not preclude their private sexual conduct. They do preclude the State of Utah from recognizing the marriage of Plaintiff G. Lee Cook to Plaintiff J. Bronson as a valid marriage under the laws of the State of Utah.

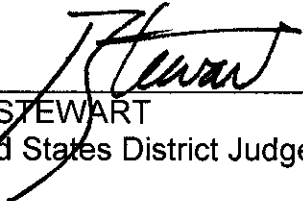
Plaintiffs refer to the dissent of Justice Scalia in *Lawrence*, where he contends that the majority's ruling will call into question state laws against bigamy, among other statutes that are based upon moral choices. *Id.* at 590. That is likely to be true. But the Tenth Circuit and Supreme Court precedents cited above remain controlling law for this Court. It is therefore

ORDERED that Plaintiffs' Motion for Summary Judgment is DENIED. It is further

ORDERED that Defendant's Motion for Summary Judgment is GRANTED.

DATED this 15th day of February, 2005.

BY THE COURT:



TED STEWART
United States District Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00021

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Brian M. Barnard, Esq.
UTAH LEGAL CLINIC
214 E 500 S
SALT LAKE CITY, UT 84111-3204
EMAIL

Mr. Jerrold S. Jensen, Esq.
UTAH ATTORNEY GENERAL'S OFFICE
160 E 300 S FIFTH FL
PO BOX 140874
SALT LAKE CITY, UT 84114-0874
EMAIL

Andrew G Deiss, Esq.
JONES WALDO HOLBROOK & MCDONOUGH
170 S MAIN ST STE 1500
PO BOX 45444
SALT LAKE CITY, UT 84145-0444
EMAIL

Marci A. Hamilton, Esq.
36 TIMBER KNOLL DR
WASHINGTON CROSSING, PA 18977

United States District Court
District of Utah

FILED
CLERK U.S. DISTRICT COURT
2005 FEB 15 A 8:45

UNITED STATES OF AMERICA

VS.

LEWIS DARWIN SHROYER

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: **2:03-CR-01009-001 TS**Plaintiff Attorney: **Trina Higgins**Defendant Attorney: **Earl Xaiz**Atty: CJA ___ Ret ☒ FPD ___

Defendant's Soc. Sec. No.: _____

Defendant's Date of Birth: _____

02/14/2005

Date of Imposition of Sentence

Defendant's USM No.: **11513-081**

Defendant's Residence Address: _____

Defendant's Mailing Address: _____

SAME

Country USA

Country _____

THE DEFENDANT:

☒ pleaded guilty to count(s)COP **11/23/2004** Verdict _____**One of the Indictment**☐ pleaded nolo contendere to count(s)
which was accepted by the court.☐ was found guilty on count(s)**Title & Section**

18 U.S.C. § 922(g)(3)

Nature of OffenseUnlawful User of a Controlled Substance in
Possession of Firearms**Count****Number(s)**

I

Entered on docket
by: [Signature]

Deputy Clerk

☐ The defendant has been found not guilty on count(s) _____☒ Count(s) **Two of the Indictment** (is)(are) dismissed on the motion of the United States.**SENTENCE**

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of **21 Months (with credit for 63 days served in state custody for these charges).**

Upon release from confinement, the defendant shall be placed on supervised release for a term of **36 Months**.

☐ The defendant is placed on Probation for a period of _____
The defendant shall not illegally possess a controlled substance.

51

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing.
2. The defendant shall participate in drug and/or alcohol abuse treatment under a copayment plan as directed by the United States Probation Office and shall not possess or consume alcohol during the course of treatment.
3. The defendant shall participate in a mental health treatment program under a co-payment plan, as directed by the probation office, take any mental health medications as prescribed, and not possess or consume alcohol.
4. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of conditions of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches, pursuant to this condition.

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ _____, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:
No Fine Imposed

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).

- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), it is ordered that:

- ☐ The interest requirement is waived.
☐ The interest requirement is modified as follows:

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--

Totals: \$ _____ \$ _____

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

- ☐ Restitution is payable as follows:
- ☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.
 - ☐ other: _____

- ☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).
- ☐ An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00 , payable as follows:

☒ forthwith.

☐ _____

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

DEPARTURE

The Court does not grant the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure:

RECOMMENDATION

☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

that defendant be credited for the 63 days served in state custody for the charges in this case. Also that Mr. Shroyer participate in drug rehabilitation programs while incarcerated.

CUSTODY/SURRENDER

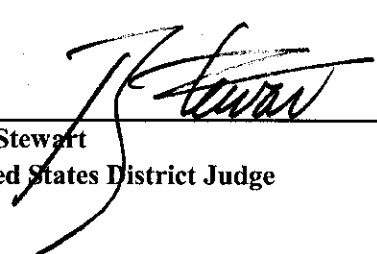
☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district at _____ on _____.

☐ The defendant shall report to the institution designated by the Bureau of Prisons by _____ Institution's local time, on _____.

DATE:

2/14/05



Ted Stewart
United States District Judge

Defendant: LEWIS DARWIN SHROYER
Case Number: 2:03-CR-01009-001 TS

Page 5 of 5

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cr-01009

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Trina A Higgins, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Mr. Earl G Kaiz, Esq.
YENGICH RICH & XAIZ
175 E 400 S STE 400
SALT LAKE CITY, UT 84111
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

United States District Court
District of Utah

2005 FEB 15 A 8:45

UNITED STATES OF AMERICA

vs.

JUANITA MEJIA HINOJOSA

aka Mary Hinojosa

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number:

1:02-CR-00033-002 TS

Plaintiff Attorney:

Lana Taylor

Defendant Attorney:

David Finlayson

Atty: CJA ☒ Ret ☐ FPD ☐

Defendant's Soc. Sec. No.:

Defendant's Date of Birth:

Defendant's USM No.:

10556-081

Defendant's Residence Address:

Country **USA**

February 14, 2005

Date of Imposition of Sentence

Defendant's Mailing Address:

SAME

Country

THE DEFENDANT:

☒ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)
which was accepted by the court.

☐ was found guilty on count(s)

COP **10/14/2004** Verdict

II of the Superseding Indictment

Title & Section

21 U.S.C. § 841(a)(1)

Nature of Offense

Distribution of Methamphetamine

Count

Number(s)

**II of Superseding
Indictment**

Entered on docket

by:

Deputy Clerk

☐ The defendant has been found not guilty on count(s)

☒ Count(s) **I of the Is** (is)(are) dismissed on the motion of the United States.

SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of

46 Months

Upon release from confinement, the defendant shall be placed on supervised release for a term of

60 Months

☐ The defendant is placed on Probation for a period of
The defendant shall not illegally possess a controlled substance.

///

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing. If testing reveals illegal drug use, the defendant shall participate in drug and or/alcohol abuse treatment under a co-payment plan as directed by the United States Probation Office.
2. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of conditions of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches, pursuant to this condition.

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ _____, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:
No Fine Imposed

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:
-

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--

Totals: \$ _____ \$ _____

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other: _____

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ _____

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

DEPARTURE

The Court does not grant the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure:

RECOMMENDATION

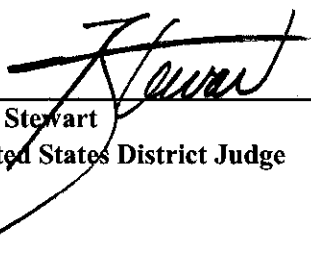
- ☐ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:
-

CUSTODY/SURRENDER

- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district at _____ on _____.
- ☐ The defendant shall report to the institution designated by the Bureau of Prisons by _____ Institution's local time, on _____.

DATE:

2/14/05



Ted Stewart
United States District Judge

Defendant: JUANITA MEJIA HINOJOSA
Case Number: 1:02-CR-00033-002 TS

Page 5 of 5

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

jmr

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 1:02-cr-00033

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

David V. Finlayson, Esq.
43 E 400 S
SALT LAKE CITY, UT 84111
EMAIL

US Probation
DISTRICT OF UTAH
,
EMAIL

United States Marshal Service
DISTRICT OF UTAH
,
EMAIL

Colleen K. Coebergh, Esq.
29 S STATE ST #007
SALT LAKE CITY, UT 84111
EMAIL

STEVEN B. KILLPACK, Federal Defender (#1808)
ROBERT L. STEELE, Assistant Federal Defender (#5546)
Attorneys for Defendant
Utah Federal Defender Office
46 West 300 South, Suite 110
Salt Lake City, Utah 84101
Telephone: (801) 524-4010

FILED
7:55 FEB 16 A 10:09
BY: [Signature]
DEPT. CLERK

RECEIVED CLERK

FEB 14 2005

IN THE UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN LINDSAY,

Defendant.

**ORDER TO CONTINUE
JURY TRIAL**

Case No. 2:04CR836DKW

Based upon the motion of the Defendant, JOHN LINDSAY, through his attorney of record, ROBERT L. STEELE, the Court hereby continues the trial date currently set for February 24, 2005, in the above-entitled matter to the 18th day of April, 2005, at 8:30 a.m.

Pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 (h)(8)(A), the Court finds that the ends of justice served by a continuance in this case outweighs the interests of the public and the Defendant in a speedy trial.

Dated this 16 day of February, 2005.

BY THE COURT:

David K. Winder

DAVID K. WINDER
United States District Court Judge

20

jmr

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cr-00836

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

David F. Backman, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Robert L. Steele, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

STEVEN B. KILLPACK, Federal Defender (#1808)
HENRI SISNEROS, Assistant Federal Defender (#6653)
Utah Federal Defender Office
46 West 300 South, Suite 110
Salt Lake City, Utah 84101
Telephone: (801) 524-4010

RECEIVED CLERK
FEB 14 2005
U.S. DISTRICT COURT
FILED
CLERK U.S. DISTRICT COURT
2005 FEB 16 A 10:09
BY: [Signature]
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-VS-

TIM MONROE,

Defendant.

ORDER TO CONTINUE
JURY TRIAL

Case No. 2:03CR00054DKW

Based upon the motion of the Defendant, TIM MONROE, through his attorney of record, HENRI SISNEROS, the Court hereby continues the trial date currently set for February 9, 2005, in the above-entitled matter to this 6th day of April, 2005, at 8:30 a.m.

Pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 (h)(8)(A), the Court finds that the ends of justice served by a continuance in this case outweighs the interests of the public and the Defendant in a speedy trial.

Dated this 16 day of February, 2005.

BY THE COURT:

David K. Winder
DAVID K. WINDER
United States District Court Judge

17

jmr

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cr-00054

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

US Probation
DISTRICT OF UTAH
,
EMAIL

United States Marshal Service
DISTRICT OF UTAH
,
EMAIL

Henri R. Sisneros, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

Colleen K. Coebergh, Esq.
29 S STATE ST #007
SALT LAKE CITY, UT 84111
EMAIL

United States District Court
District of Utah

Markus B. Zimmer
Clerk of Court

Louise S. York
Chief Deputy

February 16, 2005

Mr. Patrick Fisher, Clerk
United States Court of Appeals
for the Tenth Circuit
1823 Stout Street
Denver, CO 80257

RE: RECORD ON APPEAL
Neese v. USA -- 04-4281
Lower Docket: 2:04-CV-792-JTG

Dear Mr. Fisher:

We hand you herewith, by FedEx mail, Volume I of the record on appeal in the above-referenced case.

Volume:	Contents:
I.	Consisting of documents 1-11.

Please acknowledge receipt of this record on appeal by signing the enclosed copy of this letter and returning it to my attention.

Sincerely,

Markus B. Zimmer, Clerk

By: /S
Aaron Paskins
Appeals Clerk

cc: Counsel of Record

FedEx Mail Receipt No.: 7909 2083 5982

ACKNOWLEDGMENT OF RECEIPT:

Received by: _____

Date: _____

11

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00792

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Michael Ray Neese
USP FLORENCE
10760-081
PO BOX 7000
FLORENCE, CO 81226-7000

David F. Backman, Esq.
US ATTORNEY'S OFFICE

/
EMAIL

FILED
CLERK, U.S. DISTRICT COURT

2005 FEB 15 P 2:16

IN THE UNITED STATES DISTRICT COURT OF THE DISTRICT OF UTAH

FOR THE DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

CANOPY CORP., et al.

Plaintiff(s),

vs.

SYMANTEC

Defendant(s).

**NOTICE REGARDING COURTESY
COPIES**

Case No: 2:04-CV-629 DAK

District Judge Dale A. Kimball

Magistrate Judge David Nuffer

This case has been referred to the magistrate judge under 28 U.S.C. § 636(b). Courtesy copies provided for the magistrate judge through the clerk's office in the manner provided in DUCivR 5-1(a)(3)¹ may not be available to the magistrate judge for several days after filing due to docketing and circulation procedures.

To provide the magistrate judge with more prompt access to courtesy copies of materials filed, the materials should be provided in the conventional manner, as the Rule directs **and** by

(a) email to utmj_nuffer@utd.uscourts.gov² **or**

(b) fax to 801 526 1159 **or**

(c) delivery to chambers at Room 483, U.S. Courthouse, 350 South Main Street, Salt Lake City, Utah.

¹ "At the time of filing, the clerk will require: . . . (3) the original and *two (2)* copies of all pleadings, motions, and other papers pertaining to a matter that has been referred to a magistrate judge."

² WordPerfect or text-based PDF format is preferred. Microsoft Word format and PDF documents created by scanning are also acceptable when such formats are necessary.

29

In the event copies are not provided in one of these three accelerated methods, materials may be delayed. Additional information is at <http://www.utd.uscourts.gov/judges/nuffer.html>.

February 14, 2005.

BY THE COURT:

A handwritten signature in black ink, consisting of a series of loops and a trailing horizontal stroke.

David Nuffer
U.S. Magistrate Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00629

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Brent V. Manning, Esq.
MANNING CURTIS BRADSHAW & BEDNAR LLC
THIRD FLOOR NEWHOUSE BLDG
10 EXCHANGE PL
SALT LAKE CITY, UT 84111
EMAIL

James S. Jardine, Esq.
RAY QUINNEY & NEBEKER
36 S STATE ST STE 1400
PO BOX 45385
SALT LAKE CITY, UT 84145-0385
EMAIL

FILED
CLERK U.S. DISTRICT COURT
7:03 FEB 15 P 4:50
DRE...

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

RECEIVED CLERK
FEB 14 2005

BY:
OF:

U.S. DISTRICT COURT

SOUTHERN UTAH WILDERNESS ALLIANCE,

Case No. 2:95CV559(DAK)

Plaintiff & Cross-Claim Defendant,

vs.

Honorable Dale A. Kimball

Honorable Samuel Alba

THE NATIONAL PARK SERVICE *ET AL.*,

Defendants & Cross-Claim Defendants,

and

UTAH SHARED ACCESS ALLIANCE *ET AL.*,

Defendant-Intervenors & Cross-Claim
Plaintiffs.

ORDER GRANTING MOTION TO FILE OVERLENGTH BRIEF

The Court having received Southern Utah Wilderness Alliance's Ex Parte Motion to File Overlength Brief, and good cause appearing therefore, it is hereby

ORDERED, that Southern Utah Wilderness Alliance is granted leave to file its Opposition Brief that is 30 pages long, exclusive of face sheet, table of contents, and certificate of service.

Dated this 12th day of February, 2005.

BY THE COURT

Dale A. Kimball

268

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:95-cv-00559

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Heidi J. McIntosh, Esq.
SOUTHERN UTAH WILDERNESS ALLIANCE
1471 S 1100 E
SALT LAKE CITY, UT 84105
EMAIL

Bruce D. Bernard, Esq.
US DEPARTMENT OF JUSTICE
ENVIRONMENTAL DEFENSE
999 18TH STREET STE 945
DENVER, CO 80202
EMAIL

Ms. Carlie Christensen, Esq.
US ATTORNEY'S OFFICE
,
EMAIL

Steven J. Lechner, Esq.
MOUNTAIN STATES LEGAL FOUNDATION
2596 S LEWIS WY
LAKEWOOD, CO 80227-3408
EMAIL

William Perry Pendley, Esq.
MOUNTAIN STATES LEGAL FOUNDATION
2596 S LEWIS WY
LAKEWOOD, CO 80227-3408
EMAIL

Alison Roberts, Esq.
MOUNTAIN STATES LEGAL FOUNDATION
2596 S LEWIS WY
LAKEWOOD, CO 80227-3408
EMAIL

Mr. Hal J Pos, Esq.
PARSONS BEHLE & LATIMER
201 S MAIN ST STE 1800
PO BOX 45898

SALT LAKE CITY, UT 84145-0898
EMAIL

RONALD J. YENGICH (#3580)
YENGICH, RICH & XAIZ
Attorneys for Defendant
175 East 400 South, Suite 400
Salt Lake City, Utah 84111
Telephone: (801) 355-0320

RECEIVED CLERK

FEB 15 2005

U.S. DISTRICT COURT

FILED
CLERK U.S. DISTRICT COURT
2005 FEB 15 P 10:50
JUDGE DALE A. KIMBALL
CLERK

IN THE UNITED STATES DISTRICT COURT *Northern*
IN AND FOR THE DISTRICT OF UTAH, ~~CENTRAL~~ DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREYDON ANTHONY SMITH,

Defendant.

ORDER OF CONTINUANCE

1:05CR9-DAK

Case No. ~~05 CR 9 ALL~~

Judge Dale A. Kimball

BASED upon motion of counsel, and with good cause having been shown;

IT IS HEREBY ORDERED that the Jury Trial date in the above-entitled matter,
currently set to begin the 29th, 30th, and 31st day of March, 2005, until the 13th day of
July, 2005, at 8:30 a.m., before Judge Dale A. Kimball.

The Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that failure to grant a
continuance of said trial would deny defense counsel the reasonable time necessary for effective
preparation, taking into account the exercise of due diligence.

The Court further finds that the period of time involved in a continuance is
excludable from the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(8)(A) based on the fact
that the ends of justice served by granting the continuance outweigh the best interest of the public
and the defendants in a speedy trial, given the complex nature of the case.

18

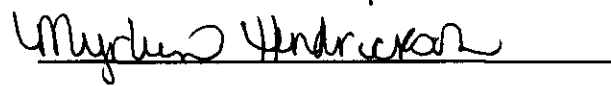
SIGNED BY MY HAND this 15th day of February, 2005.

BY THE COURT:


HONORABLE DALE A. KIMBALL
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that I mailed a true and correct copy of the foregoing Order of Continuance this 11th day of February, 2005, on the case styled *USA vs. Greydon Anthony Smith*, to Karen Fojtik, Assistant United States Attorney, located at 185 South State Street, #400, Salt Lake City, UT 84111.



United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 1:05-cr-00009

True and correct copies of the attached were either mailed, faxed or e-mailed
by the clerk to the following:

Karin Fojtik, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Mr. Ronald J. Yengich, Esq.
YENGICH RICH & XAIZ
175 E 400 S STE 400
SALT LAKE CITY, UT 84111
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED
CLERK, U.S. DISTRICT COURT
2005 FEB 16 A 10:03

DISTRICT OF UTAH
BY: DEPUTY CLERK

CINDY LEWIS,

Plaintiff,

vs.

SALT LAKE COUNTY, MICHAEL
BENDIXON, and DOUGLAS E. LEWIS,

Defendants.

ORDER

Case No. 2:03-CV-812 TC

This matter comes before the court on Plaintiff's Motion to Refuse Judgment [or] in the Alternative, Motion for Continuance & Limited Discovery, filed pursuant to Federal Rule of Civil Procedure 56(f) (hereinafter "56(f) Motion"). For the reasons set forth in the Memorandum By Defendants Salt Lake County and Michael Bendixen in Opposition to Plaintiff's Motion to Refuse Judgment or for Continuance and Limited Discovery (Docket No. 32), Plaintiff's 56(f) Motion is DENIED. Plaintiff may file opposition briefs to Defendants' pending motions (Docket Nos. 20 and 24) no later than Friday, March 11, 2005. Defendants may file reply briefs to Plaintiff's opposition memoranda no later than Friday, March 18, 2005. As noticed earlier, the court will hear the pending motions (Docket Nos. 20 and 24) on Wednesday, March 23, 2005, at 3:00 p.m.

IT IS SO ORDERED this 15 day of February, 2005.

BY THE COURT:

Tena Campbell

TENA CAMPBELL
United States District Judge

35

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cv-00048

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Philip J. Hardy, Esq.
470 E 3900 S STE 203
SALT LAKE CITY, UT 84107
EMAIL

Mr. Roy B Moore, Esq.
ROY B MOORE PC & ASSOCIATES
428 E WINCHESTER ST STE 140
MURRAY, UT 84107
EMAIL

STEVEN B. KILLPACK, Federal Defender (#1808)
WENDY M. LEWIS, Assistant Federal Defender (#5093)
Utah Federal Defender Office
46 West 300 South, Suite 110
Salt Lake City, Utah 84101
Telephone: (801) 524-4010

RECEIVED CLERK
FEB 15 2005
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

NICNEAL CRANK,

Defendant.

ORDER TO CONTINUE
JURY TRIAL

Case No. 2:04CR-842DAK

Based on the motion to continue trial filed by defendant in the above-entitled case, and good cause appearing,

It is hereby ORDERED that the trial previously scheduled for February 28, 2005, is continued to the 10th day of May, 2005, at 8:30 a.m. Pursuant to 18 U.S.C. § 3161(h), the court finds the ends of justice served by such a continuance outweigh the best interests of the public and the defendant to a speedy trial. The time of the delay shall constitute excludable time under the Speedy Trial Act.

Dated this 15th day of February, 2005.

BY THE COURT:

Dale A. Kimball
DALE A. KIMBALL
United States District Court Judge

12

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cr-00842

True and correct copies of the attached were either mailed, faxed or e-mailed
by the clerk to the following:

Kevin L. Sundwall, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

A. Chelsea Koch, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

Wendy M. Lewis, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

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FEB 15 2005

FILED
CLERK U.S. DISTRICT COURT

U.S. DISTRICT COURT
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHER DIVISION

2005 FEB 15 P 1:51

BY: [Signature]

BY:

DEPUTY CLERK

JOE R. PALMER, an individual,

Plaintiff,

vs.

WAL-MART STORES, INC.,

Defendant.

**ORDER GRANTING
ENLARGEMENT OF TIME
TO SERVE DEFENDANT**

Civil No. 2:04 CV 956 DAK

Judge Dale A. Kimball

Because it appears there is good cause for granting Plaintiff's motion, IT IS
HEREBY ORDERED that the extension requested by the Plaintiff is GRANTED. The
plaintiff has an additional 60-days in which to serve the Defendant Wal-Mart Stores, Inc.

Dated this 16th day of February, 2005.

BY THE COURT:

[Signature]

DALE A. KIMBALL
District Court Judge

3

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00956

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. David B Oliver, Esq.
180 S 300 W, #210
Salt Lake City, UT 84101-1218
EMAIL

Prepared and Submitted by:

E. Craig Smay #2985
E. CRAIG SMAY, P.C.
174 East South Temple
Salt Lake City, Utah 84111
Telephone Number (801) 539-8515
Fax Number (801) 539-8544

Attorney for Plaintiffs, Mayflower

~~FILED~~
CLERK, U.S. DISTRICT COURT
2005 FEB 14 P 1:56
DISTRICT OF UTAH
BY: ~~DEPUTY CLERK~~

FILED
CLERK, U.S. DISTRICT COURT
2005 FEB 15 P 4:51
DISTRICT OF UTAH
BY: ~~DEPUTY CLERK~~
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FEB 16 2005
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

STICHTING MAYFLOWER MOUNTAIN
FONDS and STICHTING MAYFLOWER
RECREATIONAL FONDS, Netherlands
associations;

Plaintiffs and Counterclaim Defendants,

vs.

THE CITY OF PARK CITY UTAH,

and

UNITED PARK CITY MINES CO.,
A DELAWARE CORPORATION,

Defendants and Counterclaim Plaintiffs,

vs.

ARIE CORNELIS BOGERD, an individual
and citizen of Hei-en Boeicop Netherlands,
MAYFINANCE CV, a Netherlands
commanditaire vennotschap, STICHTING
BEHEER MAYFLOWER PROJECT, a

**ORDER GRANTING MOTION FOR
LEAVE TO FILE OVERLENGTH
MEMORANDUM IN OPPOSITION
TO MOTION TO DISMISS**

Civil Number: 2:04CV00925 DS

Honorable ~~David Sam~~

(Jury Trial Demanded)

DAR

Date Kimball

Netherlands Foundation, and JOHN DOES 1 THROUGH 100, limited partners of MAYFINANCE and/or Managing Directors of STICHTING BEHEER MAYFLOWER PROECT,	
---	--

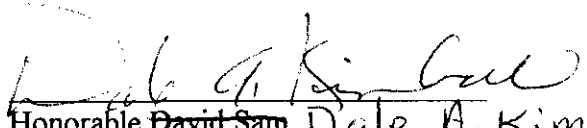
Additional Counterclaim Defendants.

Good cause appearing therefore, plaintiffs Motion to File overlength Memorandum in
Support of Motion to Dismiss is granted.

IT IS HEREBY ORDERED that the Motion is granted.

DATED this 19th day of February, 2005.

BY THE COURT:


Honorable ~~David Sam~~ Dale A. Kimball
United States District Court, District
of Utah

CERTIFICATE OF SERVICE

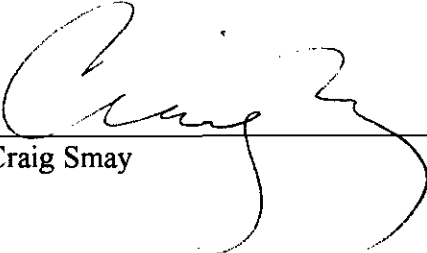
I hereby certify that I caused a true and correct copy of the foregoing "**ORDER GRANTING MOTION FOR LEAVE TO FILE OVERLENGTH MEMORANDUM IN OPPOSITION TO MOTION TO DISMISS**" to be mailed this 4th day of February, 2005, to the following:

Attorneys for Park City Municipal Corporation:

Mark R. Gaylord (#5073)
Craig H. Howe (#7522)
Matthew L. Moncur (#9894)
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
One Utah Center, Suite 600
201 S. Main St.
Salt Lake City, UT 84111-2221
Telephone: (801) 531-3000
Facsimile: (801) 3001

Attorneys for United Park City Mines, Co.:

Robert S. Campbell, Jr. (#0557)
Clark K. Taylor (#5354)
VANCOTT BAGLEY CORNWALL & MCCARTHY
50 S. Main Street, Suite 1600
Salt Lake City, UT 84144
Telephone: (801) 532-3333
Facsimile: (801) 534-0058



E. Craig Smay

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00925

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Craig Smay, Esq.
174 E SO TEMPLE
SALT LAKE CITY, UT 84111
EMAIL

Mr. Mark R Gaylord, Esq.
BALLARD SPAHR ANDREWS & INGERSOLL
201 S MAIN STE 600
SALT LAKE CITY, UT 84111-2215
EMAIL

Mr. Robert S. Campbell Jr., Esq.
VAN COTT BAGLEY CORNWALL & MCCARTHY
50 S MAIN STE 1600
PO BOX 45340
SALT LAKE CITY, UT 84145
EMAIL

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U.S. DISTRICT COURT

FEB - 3 2005 FEB 16 10:03

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OFFICE OF
JUDGE TENA CAMPBELL

FEB 2 2005
U.S. DISTRICT COURT
DEPUTY CLERK

TODD UTZINGER (6047)
Attorney for Defendant
562 South Main Street, Second Floor
Bountiful, Utah 84010
Telephone: (801) 397-3131
Facsimile: (801) 397-3139

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,	)	ORDER STRIKING TRIAL
	)	DATE AND EXCLUDING TIME
Plaintiff,	)	FROM SPEEDY TRIAL ACT
	)	CALCULATION
v.)	
)	
ALFONSO GUTIERREZ-MARIAS	)	Case No. 2:04-CR-00378 TC
)	
Defendant.	)	Judge Tena Campbell

This matter is before the Court on the joint motion of the defendant and the United States to continue the trial now set for February 8, 2005, and to have the time between defendant's arraignment and any new trial date excluded from the speedy trial act calculation for the reasons stated in the motion.

For good cause shown, I find and order the following:

1. Counsel for the United States has recently been assigned to this case and needs additional time to review discovery, become familiar with the case and to prepare for

84

trial. Both parties also require additional time to pursue ongoing plea negotiations.


2. The time between defendant's arraignment and any new trial date is excluded under the Speedy Trial Act because both counsel needed that time to interview potential witnesses and pursue plea negotiations. More specifically, the time between the current trial date of February 8, 2005 and any new trial date is excluded under the Speedy Trial Act because newly appointed counsel for the United States requires additional time to prepare for trial. Also, the parties need additional time to continue plea negotiations.

3. I find that a continuance is warranted for the reasons stated above.

4. I find that the ends of justice served by the continuance outweigh the interests of the public and defendant in a speedy trial.

5. Pursuant to Title 18 sec. 3161 (h)(8)(a) and upon the joint motion of the parties, I order that the time between defendant's arraignment and any new trial date be excluded from the computation of time required under the Speedy Trial Act.

SIGNED AND DATED this 15 day of Feb, 2005



THE HONORABLE TENA CAMPBELL
Federal District Court Judge, District of Utah

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cr-00378

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Colleen K. Coebergh, Esq.
29 S STATE ST #007
SALT LAKE CITY, UT 84111
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Viviana Ramirez, Esq.
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46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
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Todd A. Utzinger, Esq.
UTZINGER & PERRETTA
562 S MAIN ST 2ND FL
BOUNTIFUL, UT 84010
EMAIL

Stephanie Ames, Esq.
3635 BIRCH AVE
OGDEN, UT 84403
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH
,
EMAIL

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FEB - 2 2005

OFFICE OF
JUDGE TENA CAMPBELL

FILED
CLERK, U.S. DISTRICT COURT

RECEIVED CLERK

2005 FEB 16 A 10:03

FEB - 2 2005

DISTRICT CLERK

U.S. DISTRICT COURT

BY: _____
DEPUTY CLERK

TODD UTZINGER (6047)
Attorney for Defendant
562 South Main Street, Second Floor
Bountiful, Utah 84010
Telephone: (801) 397-3131
Facsimile: (801) 397-3139

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,	)	ORDER STRIKING TRIAL
	)	DATE AND EXCLUDING TIME
Plaintiff,	)	FROM SPEEDY TRIAL ACT
	)	CALCULATION
v.)	
)	
RICARDO OCTAVIO,	)	Case No. 2:04CR0069 TC
)	
Defendant.	)	Judge Tena Campbell

This matter is before the Court on the joint motion of the defendant and the United States to continue the trial now set for March 15, 2005, and to have the time between defendant's arraignment and any new trial date excluded from the speedy trial act calculation for the reasons stated in the motion.

For good cause shown, I find and order the following:

1. Counsel for the United States has recently been assigned to this case and needs additional time to review discovery, become familiar with the case and to prepare for

51

trial. Both parties also require additional time to pursue ongoing plea negotiations.

2. The time between defendant's arraignment and any new trial date is excluded under the Speedy Trial Act because both counsel needed that time to interview potential witnesses and pursue plea negotiations. More specifically, the time between the current trial date of March 15, 2005 and any new trial date is excluded under the Speedy Trial Act because newly appointed counsel for the United States requires additional time to prepare for trial. Also, the parties need additional time to continue plea negotiations.

3. I find that a continuance is warranted for the reasons stated above.

4. I find that the ends of justice served by the continuance outweigh the interests of the public and defendant in a speedy trial.

5. Pursuant to Title 18 sec. 3161 (h)(8)(a) and upon the joint motion of the parties, I order that the time between defendant's arraignment and any new trial date be excluded from the computation of time required under the Speedy Trial Act.

SIGNED AND DATED this 15 day of feb, 2005



THE HONORABLE TENA CAMPBELL
Federal District Court Judge, District of Utah

alt

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cr-00069

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Colleen K. Coebergh, Esq.
29 S STATE ST #007
SALT LAKE CITY, UT 84111
EMAIL

Todd A. Utzinger, Esq.
UTZINGER & PERRETTA
562 S MAIN ST 2ND FL
BOUNTIFUL, UT 84010
EMAIL

United States Marshal Service
DISTRICT OF UTAH
,
EMAIL

US Probation
DISTRICT OF UTAH
,
EMAIL

FILED
CLERK, U.S. DISTRICT COURT

2005 FEB 16 A 9:15

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH CENTRAL DIVISION

PHILLIP M. ADAMS and PHILLIP M.
ADAMS & ASSOCIATES, L.L.C.,

Plaintiffs,

vs.

GATEWAY, INC.,

Defendant.

**ORDER DENYING
GATEWAY'S MOTION TO
RECONSIDER NOVEMBER 16, 2004,
ORDER DOCKET NO. 295**

Case No: 2:02-CV-106 TS
District Judge Ted Stewart

Magistrate Judge David Nuffer

Defendant Gateway has moved to reconsider¹ an order² entered by the magistrate judge regarding two motions Gateway brought to compel discovery from Adams.³ Simultaneously, Gateway filed objections to the order of the magistrate judge, for consideration by the district judge.⁴

The magistrate judge is unable to find any reason to re-evaluate the decision, and therefore,

¹ Docket no. 297, filed under seal December 1, 2004.

² Docket no. 295, filed under seal November 16, 2004.

³ Gateway's Motion to Compel Directed at Plaintiffs Regarding Gateway's Second Set of Discovery, docket no. 222, filed June 25, 2004, and Gateway's Motion to Compel Plaintiffs' Responses to Interrogatory Nos. 2-4 [of Gateway's First Set of Interrogatories] and for Costs and Attorneys' Fees, docket no. 231, filed July 15, 2004.

⁴ Docket no. 299, filed under seal December 1, 2004.

326

ORDER

IT IS HEREBY ORDERED that the motion for reconsideration⁵ is DENIED.

Dated this 16 day of February, 2005.

BY THE COURT:



David Nuffer
U.S. Magistrate Judge

⁵ Docket no. 297, filed under seal December 1, 2004.

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:02-cv-00106

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Justin B. Palmer, Esq.
STOEL RIVES LLP
201 S MAIN ST STE 1100
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John F. Schultz, Esq.
DRINKER BIDDLE & REATH LLP
ONE LOGAN SQ
18TH & CHERRY STS
PHILADELPHIA, PA 19103
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Mr. Gregory D Phillips, Esq.
HOWARD PHILLIPS & ANDERSEN
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SALT LAKE CITY, UT 84102
EMAIL

David G. Hetzel, Esq.
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NEW YORK, NY 10019
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Dennis F. Kerrigan, Esq.
LEBOEUF LAMB GREENE & MACRAE LLP
GOODWIN SQ
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HARTFORD, CT 06103
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John R. Posthumus, Esq.
GREENBERG TRAUIG
1200 17TH ST STE 2400
DENVER, CO 80223
EMAIL

Mr. David M Connors, Esq.
LEBOEUF LAMB GREENE & MACRAE LLP

136 S MAIN ST STE 1000
SALT LAKE CITY, UT 84101
EMAIL

Mr. E Scott Savage, Esq.
BERMAN & SAVAGE PC
50 S MAIN STE 1250
SALT LAKE CITY, UT 84144
EMAIL

Megan Whyman Olesek, Esq.
DLP PIPER RUDNICK GRAY CARY US LLP
2000 UNIVERSITY AVE
EAST PALO ALTO, CA 94303-2248

FILED
CLERK U.S. DISTRICT COURT

2005 FEB 15 A 9:54

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

BY: DEPT. V. C. FORK

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

CHRISTOPHER F. MANDARINO AND
STEVEN F. MANDARINO

Defendant(s),

PRETRIAL ORDER PURSUANT
TO RULE 17.1 F.R.Cr.P.

Case No. 2:05-CR-19 TS

The above-entitled action came on for pretrial conference February 8, 2005, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for 4/19/05, (3 days) at 8:30 am. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge Ted Stewart by 4/18/05 along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes X No

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

17

3. Pretrial motions are to be filed by: 3/11/05 at 5:00 p.m.

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/5/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: DETAINED.

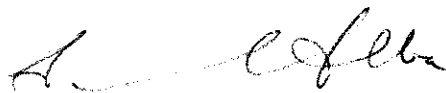
7. All exhibits will be premarked before Judge Ted Stewart's clerk before trial.

8. Other order and directions are:

9. Interpreter Needed: Yes ☐ No ☒ Language _____

DATED this 8th day of February, 2005.

BY THE COURT:



Samuel Alba
Chief Magistrate Judge

jmr

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00019

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Ms. Barbara Bearnson, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Robert L. Steele, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

Benjamin A. Hamilton, Esq.
356 E 900 S
SALT LAKE CITY, UT 84111
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

FILED
CLERK U.S. DISTRICT COURT
2005 FEB 15 AM 9:55
DEPT. CLERK

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

WESLEY KEITH RASH

Defendant(s),

PRETRIAL ORDER PURSUANT
TO RULE 17.1 F.R.Cr.P.

Case No. 1:05-CR-15 DKW

The above-entitled action came on for pretrial conference **February 11, 2005**, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for **4/20/05**, (3 days) at **8:30 am**. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge David K. Winder by **4/18/05** along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes _____ No X

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

15

3. Pretrial motions are to be filed by: 3/16/05 at 5:00 p.m.

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/6/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: DETAINED.

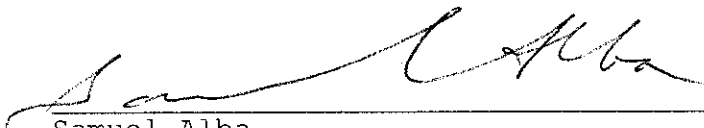
7. All exhibits will be premarked before Judge David K. Winder's clerk before trial.

8. Other order and directions are: GOVERNMENT TO PROVIDE DISCOVERY BY 4/18/05.

9. Interpreter Needed: Yes ☐ No ☒ Language _____

DATED this 11th day of February, 2005.

BY THE COURT:



Samuel Alba
Chief Magistrate Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 1:05-cr-00015

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Karin Fojtik, Esq.
US ATTORNEY'S OFFICE
,
EMAIL

Wendy M. Lewis, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

United States Marshal Service
DISTRICT OF UTAH
,
EMAIL

US Probation
DISTRICT OF UTAH
,
EMAIL

FD-503
CLERK U.S. DISTRICT COURT
2005 FEB 16 A 9:55
JAH
DEPT. OF JUSTICE

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERTO MONTOYA,

Defendant.

:
N-05-27M

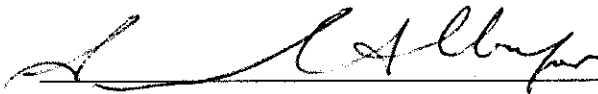
:
ORDER TO UNSEAL COMPLAINT

:
2:05-CR-73TS

:
Magistrate Judge David O. Nuffer

Based on the motion of the United States, and for good cause appearing, the Court hereby grants government's motion to unseal the complaint.

DATED this 11th day of February, 2005.



BROOKE C. WELLS
United States Magistrate Court Judge

17

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00073

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Leshia M. Lee-Dixon, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Vanessa M. Ramos-Smith, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101

EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

FILED
CLERK, U.S. DISTRICT COURT RECEIVED CLERK

2005 FEB 15 P 2:24 FEB 10 2005

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Diversi-Plast Products, Inc.

Plaintiff

v.

Battens Plus, Inc.

Defendant.

U.S. DISTRICT COURT

BY:

DEPUTY CLERK

CASE NO. 2:04CV01005PGC

Appearing on behalf of:

Battens Plus, Inc., Defendant

(Plaintiff/Defendant)

MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, Adam B. Price, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Date: 2/10, 2005

(Signature of Local Counsel)

7769 (Utah Bar Number)

APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, Daniel N. Ballard, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state or the District of Columbia; is (i) a non-resident of the State of Utah or, (ii) a new resident who has applied for admission to the Utah State Bar and will take the bar examination at the next scheduled date; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates Adam B. Price as associate local counsel.

Date: February 7, 2005

Check here ☒ if petitioner is lead counsel.

(Signature of Petitioner)

Name of Petitioner: Daniel N. Ballard Office Telephone: (916)444-3900

(Area Code and Main Office Number)

Business Address: McDonough Holland & Allen PC

(Firm/Business Name)
555 Capitol Mall, 9th Floor

Street

Sacramento

City

CA

State

95814

Zip

BAR ADMISSION HISTORY

COURTS TO WHICH ADMITTED	LOCATION	DATE OF ADMISSION
United States District Court Eastern District	California	June 12, 2002
United States District Court Northern District	California	July 2, 2002
United States District Court Southern District	California	April 23, 2004
United States District Court Central District	California	September 25, 2003
Ninth Circuit Court of Appeals		September 25, 2003
Court of Appeal for the Federal Circuit		May 20, 2002

(If additional space is needed, attach separate sheet.)

PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT

CASE TITLE	CASE NUMBER	DATE OF ADMISSION

(If additional space is needed, attach a separate sheet.)

ORDER OF ADMISSION

FEE PAID

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 15th day of Feb., 2005.



U.S. District Judge



Rules.Opinions.Policies

APPLICATION FOR ADMISSION PRO HAC VICE

[Utah State Bar](#)
[Find a Lawyer](#)
[Bar Directories](#)
[Public Services](#)
[Member Services](#)
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[Rules & Opinions](#)
[OPC](#)
[Resources](#)
[Law & Justice Center](#)
[Utah Bar Journal](#)
[Search the Site](#)
[Match ALL words](#)

Name

Daniel N. Ballard

Address

555 Capitol Mall, 9th Floor

City, State, Zip

Sacramento, CA, 95814

Telephone/Fax

(916)444-3900 / (916)444-3249

E-mail (if any)

dballard@mhalaw.com

State (s) to Which

Bar Number

Admitted

California

219223

Case in which Applicant wishes to appear:

Case Name

Diversi-Plast Products, Inc. v. Battens Plus, Inc.

Court

United States District Court, Utah Central Div.

Case Number

2:04CV01005PGC

Party on whose behalf

Applicant seeks to
appear

Battens Plus, Inc.

Other cases in any state or federal court in Utah in which the applicant or member of applicant's firm has appeared pro hac vice in the previous five years (Attach additional sheets if necessary)

Case Name

Case Number

Court

Applicant ☐ is ☒ is not currently suspended or disbarred from the practice of law in any state

Applicant ☐ has ☒ has not been disciplined by any state's or court's bar organization in the prior 5 years.

Applicant ☐ is ☒ is not the subject of any pending disciplinary proceedings by any state's or court's bar organization.

Sponsoring Local Counsel: (must be Utah resident):

Name Adam B. Price
Utah Bar Number 7769
Address 170 South Main Street
City, State, Zip Salt Lake City, UT, 84101
Telephone/Fax (801)521-3200 / (801)328-0537
E-mail (if any) aprice@joneswaldo.com

Applicant's Certification and Signature:

Applicant certifies the following:

- Applicant submits to the disciplinary authority and procedures of the Utah State Bar.
- Applicant is familiar with the rules of procedure and evidence, including applicable local rules.
- Applicant will be available for depositions, hearings, and conferences.
- Applicant will comply with the rulings and orders of the court.
- All the information included in this application is accurate.

Applicant must attach to this application an original Certificate of Good Standing from the licensing state in which the applicant resides (Applicants may not reside in Utah).

Applicant's Signature: [Signature]

STATE OF California

COUNTY OF Sacramento

Signed and sworn to before me on February 8, 2005
by Daniel N. Ballard.

Notary Public: Adele España-Purpur

My appointment expires: 2/26/05





THE
STATE BAR
OF CALIFORNIA

180 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105-1639
TELEPHONE (415) 538-2000

February 2, 2005

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, DANIEL NATHAN BALLARD was admitted to the practice of law in this state by the Supreme Court of California on May 20, 2002; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Waffa N. Salfiti
Custodian of Membership Records

FILED
CLERK, U.S. DISTRICT COURT
RECEIVED CLERK
2005 FEB 15 P 2:24
FEB 10 2005

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Diversi-Plast Products, Inc.

Plaintiff

v.

Battens Plus, Inc.

Defendant.

DISTRICT OF UTAH
BY: _____
DEPUTY CLERK

CASE NO. 2:04CV01005PGC

Appearing on behalf of:
Battens Plus, Inc., Defendant

(Plaintiff/Defendant)

MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, Adam B. Price, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Date: 2/10, 2005

(Signature of Local Counsel)

7769
(Utah Bar Number)

APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, Michelle L. Samonek, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state or the District of Columbia; is (i) ☒ a non-resident of the State of Utah or, (ii) ☐ a new resident who has applied for admission to the Utah State Bar and will take the bar examination at the next scheduled date; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates Adam B. Price as associate local counsel.

Date: February 8, 2005

Check here ☐ if petitioner is lead counsel.

(Signature of Petitioner)

Name of Petitioner: Michelle L. Samonek Office Telephone: (916)444-3900
(Area Code and Main Office Number)

Business Address: McDonough Holland & Allen PC
(Firm/Business Name)
555 Capitol Mall, 9th Floor Sacramento CA 95814
Street City State Zip

BAR ADMISSION HISTORY

COURTS TO WHICH ADMITTED

LOCATION

DATE OF ADMISSION

United States District Court Eastern District

California

August 19, 2002

United States District Court Central District

California

August 22, 2003

Ninth Circuit Court of Appeals

August 22, 2003

(If additional space is needed, attach separate sheet.)

PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT

CASE TITLE

CASE NUMBER

DATE OF ADMISSION

(If additional space is needed, attach a separate sheet.)

FEE PAID

ORDER OF ADMISSION

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 15th day of Feb., 20 05.


U.S. District Judge



Rules.Opinions.Policies

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[Bar Directories](#)
[Public Services](#)
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[OPC](#)
[Resources](#)
[Law & Justice Center](#)
[Utah Bar Journal](#)
[Search the Site](#)
[Match ALL words](#)

APPLICATION FOR ADMISSION PRO HAC VICE

Name Michelle L. Samonek
Address 555 Capitol Mall, 9th Floor
City, State, Zip Sacramento CA 95814
Telephone/Fax (916)444-3900 / (916)325-4587
E-mail (if any) msamonek@mhalaw.com

State (s) to Which Admitted **Bar Number**

California 216001

Case in which Applicant wishes to appear:

Case Name Diversi-Plast Products, Inc. v. Battens Plus, Inc.

Court United States District Court, Utah Central Div.

Case Number 2:04CV01005PGC

Party on whose behalf

Applicant seeks to appear Battens Plus, Inc.

Other cases in any state or federal court in Utah in which the applicant or member of applicant's firm has appeared pro hac vice in the previous five years (Attach additional sheets if necessary)

Case Name	Case Number	Court

Applicant ☐ is ☒ is not currently suspended or disbarred from the practice of law in any state

Applicant ☐ has ☒ has not been disciplined by any state's or court's bar organization in the prior 5 years.

Applicant ☐ is ☒ is not the subject of any pending disciplinary proceedings by any state's or court's bar organization.

Sponsoring Local Counsel: (must be Utah resident):

Name Adam B. Price
Utah Bar Number 7769
Address 170 South Main Street
City, State, Zip Salt Lake City, UT 84101
Telephone/Fax (801)521-3200 / (801)328-0537
E-mail (if any) aprice@joneswaldo.com

Applicant's Certification and Signature:

Applicant certifies the following:

- Applicant submits to the disciplinary authority and procedures of the Utah State Bar.
- Applicant is familiar with the rules of procedure and evidence, including applicable local rules.
- Applicant will be available for depositions, hearings, and conferences.
- Applicant will comply with the rulings and orders of the court.
- All the information included in this application is accurate.

Applicant must attach to this application an original Certificate of Good Standing from the licensing state in which the applicant resides (Applicants may not reside in Utah).

Applicant's Signature: Michelle L. Samonek

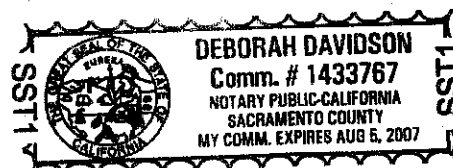
STATE OF California

:ss

COUNTY OF Sacramento

Signed and sworn to before me on February 8, 2005
by Michelle L. Samonek

Notary Public: Deborah Davidson



My appointment expires: 8-5-2007



THE
STATE BAR
OF CALIFORNIA

180 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105-1639
TELEPHONE (415) 538-2000

February 2, 2005

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, MICHELLE LYNN SAMONEK was admitted to the practice of law in this state by the Supreme Court of California on December 3, 2001; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Waffa N. Salfiti
Custodian of Membership Records

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-01005

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Matthew G. Bagley, Esq.
KESLER & RUST
36 S STATE STE 2000
SALT LAKE CITY, UT 84111-1405
EMAIL

Randall T. Skaar, Esq.
PATTERSON THUENTE SKAAR & CHRISTENSEN
4800 IDS CTR
80 S 8TH ST
MINNEAPOLIS, MN 55402-2100
EMAIL

Adam B. Price, Esq.
JONES WALDO HOLBROOK & MCDONOUGH
170 S MAIN ST STE 1500
PO BOX 45444
SALT LAKE CITY, UT 84145-0444
EMAIL

Daniel N. Ballard, Esq.
MCDONOUGH HOLLAND & ALLEN
555 CAPITOL MALL 9TH FLOOR
SACRAMENTO, CA 95814

FILED
CLERK, U.S. DISTRICT COURT

RECEIVED CLERK

2005 FEB 15 P 2: 16

2005 FEB 11 P 11: 04

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

U.S. DISTRICT COURT
DISTRICT OF UTAH

Tracy H. Fowler (1106)
Angela Stander (9623)
SNELL & WILMER L.L.P.
15 West South Temple, Suite 1200
Gateway Tower West
Salt Lake City, Utah 84101-1004
Telephone: (801) 257-1900
Facsimile: (801) 257-1800

Brian J. Mooney, *Pro Hac Vice*
Kai Peters, *Pro Hac Vice*
GORDON & REES L.L.P.
Embarcadero Center West
275 Battery Street, Suite 2000
San Francisco, CA 94111
Telephone: (415) 986-5900
Facsimile: (415) 986-8054

*Attorneys for Defendants Abbott Laboratories and
Perclose, Inc.*

RECEIVED

FEB 14 2005

OFFICE OF
JUDGE PAUL G. CASSELL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

LARRY NEY,

Plaintiff,

vs.

ABBOTT LABORATORIES, a foreign
corporation, and PERCLOSE, INC., a
foreign corporation

Defendants.

**ORDER GRANTING LEAVE TO FILE
OVERLENGTH REPLY MEMORANDUM
IN SUPPORT OF MOTION FOR
PROTECTIVE ORDER**

Case No. 2:03CV00626 PGC

U.S. District Judge Paul G. Cassell

Magistrate Judge David Nuffer

71

Having reviewed the motion for leave to file overlength reply brief filed by Defendants Abbott Laboratories and Perclose, Inc., and for good cause appearing,

IT IS HEREBY ORDERED that Defendants motion for leave to file overlength brief totaling 15 pages is GRANTED.

DATED this 15 day of February, 2005.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'DN', written over a horizontal line.

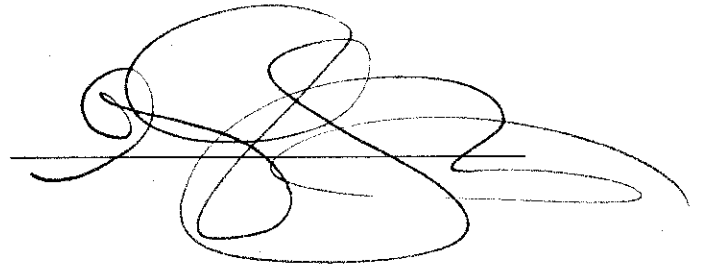
Magistrate Judge David Nuffer

CERTIFICATE OF SERVICE

I hereby certify that I caused to be mailed a true and accurate copy of the foregoing,
**ORDER GRANTING LEAVE TO FILE OVERLENGTH REPLY MEMORANDUM IN
SUPPORT OF MOTION FOR PROTECTIVE ORDER**, postage prepaid, on this 11th day of
February, 2005, to the following:

Douglas B. Cannon
Gregory M. Saylin
FABIAN & CLENDENIN
215 South State Street
Suite 1200
P. O. Box 510210
Salt Lake City, Utah 84151

Arthur C. Johnson
Dennis M. Gerl
JOHNSON, CLIFTON, LARSON & CORSON, P.C.
975 Oak Street, Suite 1050
Eugene, Oregon 97401

A large, stylized handwritten signature in black ink, featuring multiple loops and a long horizontal stroke extending to the right.

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cv-00626

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Tracy Fowler, Esq.
SNELL & WILMER LLP
15 W SOUTH TEMPLE STE 1200
GATEWAY TOWER W
SALT LAKE CITY, UT 84101
EMAIL

Brian J. Mooney, Esq.
GORDON & REES LLP
EMBARCADERO CTR W
275 BATTERY ST 20TH FL
SAN FRANCISCO, CA 94111

Mr. Douglas B Cannon, Esq.
FABIAN & CLENDENIN
215 S STATE STE 1200
PO BOX 510210
SALT LAKE CITY, UT 84151
EMAIL

Dennis M. Gerl, Esq.
JOHNSON CLIFTON LARSON & CORSON PC
975 OAK ST STE 1050
EUGENE, OR 97401-3176
EMAIL

FILED
CLERK U.S. DISTRICT COURT
2005 FEB 16 AM 10:55
DEPT. CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

CHRISTOPHER JAMESON

Defendant(s),

PRETRIAL ORDER PURSUANT
TO RULE 17.1 F.R.Cr.P.

Case No. 2:04-CR-693 TS

The above-entitled action came on for pretrial conference **February 11, 2005**, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for **4/21/05**, (2 days) at **8:30 am**. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge TED STEWART by **4/18/05** along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes X No

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

3. Pretrial motions are to be filed by: **3/14/05** at 5:00 p.m.

10

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/7/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: DETAINED.

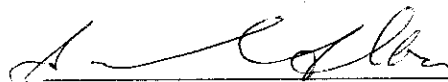
7. All exhibits will be premarked before Judge TED STEWART's clerk before trial.

8. Other order and directions are: GOVERNMENT TO PROVIDE DISCOVERY BY 2/16/05.

9. Interpreter Needed: Yes ☐ No ☒ Language _____

DATED this 17th day of February, 2005.

BY THE COURT:



Samuel Alba
Chief Magistrate Judge

jmr

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cr-00693

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Trina A Higgins, Esq.
US ATTORNEY'S OFFICE
,
EMAIL

Mr. L. Clark Donaldson, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

US Probation
DISTRICT OF UTAH
,
EMAIL

United States Marshal Service
DISTRICT OF UTAH
,
EMAIL

FILED
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

BY: _____
DEPUTY CLERK

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

ROBERTO MONTOYA

Defendant(s),

PRETRIAL ORDER PURSUANT
TO RULE 17.1 F.R.Cr.P.

Case No. 2:05-CR-73 TS

The above-entitled action came on for pretrial conference **February 11, 2005**, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for **4/21/05**, (2 days) at **8:30 am**. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge Ted Stewart by **4/18/05** along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes X No

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

3. Pretrial motions are to be filed by: **3/11/05** at 5:00 p.m.

18

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/7/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: **DETAINED**.

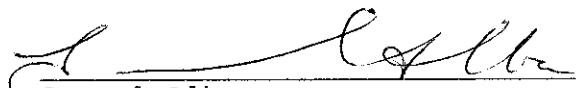
7. All exhibits will be premarked before Judge Ted Stewart's clerk before trial.

8. Other order and directions are:

9. Interpreter Needed: Yes ☐ No ☒ Language _____

DATED this 17th day of February, 2005.

BY THE COURT:



Samuel Alba
Chief Magistrate Judge

jmr

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00073

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Leshia M. Lee-Dixon, Esq.
US ATTORNEY'S OFFICE
,
EMAIL

Vanessa M. Ramos-Smith, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

United States Marshal Service
DISTRICT OF UTAH
,
EMAIL

US Probation
DISTRICT OF UTAH
,
EMAIL

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

FILED
CLERK, U.S. DISTRICT COURT
2005 FEB 16 A 9:54
DISTRICT OF UTAH
BY: DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT BRAD YOUNG,

Defendant.

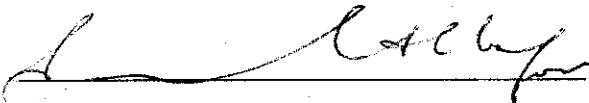
2:05 UR-72 TC
N-05-26M

ORDER TO UNSEAL COMPLAINT

Magistrate Judge David O. Nuffer

Based on the motion of the United States, and for good cause appearing, the Court hereby grants government's motion to unseal the complaint.

DATED this 11th day of February, 2005.



BROOKE C. WELLS
United States Magistrate Court Judge

B

alt

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00072

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Leshia M. Lee-Dixon, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Kevin C. Sullivan, Esq.
357 S 200 E STE 105
SALT LAKE CITY, UT 84111
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

FILED
CLERK, U.S. DISTRICT COURT
2005 FEB 16 AM 9:54
U.S. DISTRICT COURT
BY: _____
DEPUTY CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH: 54
CENTRAL DIVISION

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

HOWARD EUGENE BALL

Defendant(s),

PRETRIAL ORDER PURSUANT
TO RULE 17.1 F.R.Cr.P.

Case No. 2:05-CR-82 TC

The above-entitled action came on for pretrial conference February 11, 2005, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for 4/19/05, (4 days) at 8:30 am. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge Tena Campbell by 4/18/05 along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes X No

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

15

3. Pretrial motions are to be filed by: 3/16/05 at 5:00 p.m.

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/5/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: DETAINED.

7. All exhibits will be premarked before Judge Tena Campbell's clerk before trial.

8. Other order and directions are:

9. Interpreter Needed: Yes ☐ No ☒ Language _____

DATED this 11th day of February, 2005.

BY THE COURT:



Samuel Alba
Chief Magistrate Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00082

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Karin Fojtik, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Mr. L. Clark Donaldson, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

FILED
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF COLUMBIA
CENTRAL DIVISION

2005 FEB 11 A 9:54
BY: _____
DEPUTY CLERK

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

ROBERT BRAD YOUNG

Defendant(s),

PRETRIAL ORDER PURSUANT
TO RULE 17.1 F.R.Cr.P.

Case No. 2:05-CR-72 TC

The above-entitled action came on for pretrial conference **February 11, 2005**, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for **4/20/05**, (2 days) at **8:30 am**. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge Tena Campbell by **4/18/05** along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes X No

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

14

3. Pretrial motions are to be filed by: 3/16/05 at 5:00 p.m.

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/6/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: DETAINED.

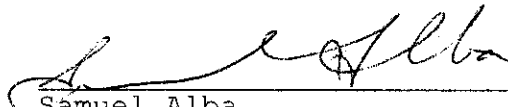
7. All exhibits will be premarked before Judge Tena Campbell's clerk before trial.

8. Other order and directions are: GOVERNMENT TO PROVIDE DISCOVERY BY 2/16/05.

9. Interpreter Needed: Yes ☐ No ☒ Language _____

DATED this 11th day of February, 2005.

BY THE COURT:



Samuel Alba
Chief Magistrate Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00072

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Leshia M. Lee-Dixon, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Kevin C. Sullivan, Esq.
357 S 200 E STE 105
SALT LAKE CITY, UT 84111
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

FILED
CLERK U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH 55
CENTRAL DIVISION

705 FEB 11 4 08 55
CLERK U.S. DISTRICT COURT

BY: DEPT. CLERK

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

CARLOS CIRILO-ALVAREZ

Defendant(s),

PRETRIAL ORDER PURSUANT
TO RULE 17.1 F.R.Cr.P.

Case No. 2:05-CR-83 DB

The above-entitled action came on for pretrial conference February 11, 2005, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for 4/21/05, (2 days) at 8:30 am. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge Dee Benson by 4/18/05 along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes X No

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

3. Pretrial motions are to be filed by: 3/14/05 at 5:00 p.m.

4

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/7/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: DETAINED.

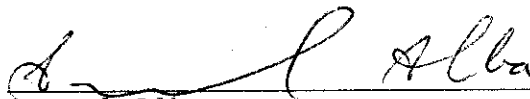
7. All exhibits will be premarked before Judge Dee Benson's clerk before trial.

8. Other order and directions are: GOVERNMENT TO PROVIDE DISCOVERY BY 2/14/05.

9. Interpreter Needed: Yes X No Language SPANISH

DATED this 11th day of February, 2005.

BY THE COURT:



Samuel Alba
Chief Magistrate Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00083

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Dustin B. Pead, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

FILED
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

DISTRICT OF UTAH

BY: [Signature]
DEPUTY CLERK

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

PEDRO MARQUEZ and MARCO
ANTONIO SALAS

Defendant(s),

PRETRIAL ORDER PURSUANT
TO RULE 17.1 F.R.Cr.P.

Case No. 2:05-CR-39 DB

The above-entitled action came on for pretrial conference January 31, 2005, before David Nuffer, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for 4/11/05, (5 days) at 8:30 a.m.. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge Dee Benson by 4/8/05 along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes X No

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit

20

further dissemination of the document.

3. Pretrial motions are to be filed by: 2/25/05 at 5:00 p.m.

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 3/28/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: Detained.

7. All exhibits will be premarked before Judge Dee Benson's clerk before trial.

8. Other order and directions are:

9. Interpreter Needed: Yes X No Language Spanish

DATED this 14 day of February, 2005.

BY THE COURT:



David Nuffer
Magistrate Judge

United States District Court
for the
District of Utah
February 16, 2005

kvs

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00039

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Veda M. Travis, Esq.
US ATTORNEY'S OFFICE
,
EMAIL

Mr. James D. Garrett, Esq.
2091 E 1300 S STE 201
SALT LAKE CITY, UT 84108
EMAIL

David V. Finlayson, Esq.
43 E 400 S
SALT LAKE CITY, UT 84111
EMAIL

United States Marshal Service
DISTRICT OF UTAH
,
EMAIL

US Probation
DISTRICT OF UTAH
,
EMAIL

JANET HUGIE SMITH (A3001)
ROBERT O. RICE (A6639)
JONATHAN G. PAPPASIDERIS (A9860)
RAY QUINNEY & NEBEKER
36 South State Street, Suite 1400
P.O. Box 45385
Salt Lake City, Utah 84145-0385
Telephone: (801) 532-1500

FILED
CLERK, U.S. DISTRICT COURT
2005 FEB 16 10:40 AM
RECEIVED CLERK
FEB - 9 2005
BY: U.S. DISTRICT COURT
DEPUTY CLERK

Attorneys for Defendants Union Pacific Corporation and Union Pacific Railroad Company

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

TERRY H. FULLWILEY,

Plaintiff,

v.

UNION PACIFIC CORPORATION (a Utah
Corporation), and UNION PACIFIC
RAILROAD COMPANY (a Delaware
Corporation),

Defendants.

**ORDER REGARDING MOTION TO
FILE DOCUMENTS UNDER SEAL**

Case No.: 2:04-CV-00671 DB

Judge: Dee Benson

Pursuant to DUCivR 5-2(d) and the Order Regarding Confidentiality of information dated December 13, 2004, and good cause therein showing, the Court hereby orders that Defendants shall be entitled to file documents subject to protective order under seal, including Exhibits A-C in Defendants' Memorandum in Support of Motion for Protective Order. The Clerk is hereby directed to remove the aforementioned exhibit from publicly-available files and treat all such aforementioned exhibits as sealed.

45

DATED this 14th day of February, 2005.

BY THE COURT

A handwritten signature in cursive script that reads "Dee Benson". The signature is written in black ink and is positioned above a horizontal line.

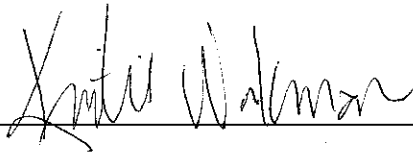
Judge Dee Benson

806364

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **ORDER REGARDING
MOTION TO FILE DOCUMENTS UNDER SEAL** was sent via hand delivery on this 9th day
of February, 2005 to the following:

Lauren I. Scholnick
Erika Birch
Strindberg Scholnick & Chamness, LLC
44 Exchange Place, 2nd Floor
Salt Lake City, Utah 84111



806364

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00671

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Lauren I. Scholnick, Esq.
STRINDBERG SCHOLNICK & CHAMNESS LLC
44 EXCHANGE PL 2ND FL
SALT LAKE CITY, UT 84111
EMAIL

Ms. Janet Hugie Smith, Esq.
RAY QUINNEY & NEBEKER
36 S STATE ST STE 1400
PO BOX 45385
SALT LAKE CITY, UT 84145-0385
EMAIL

Lee C. Rasmussen (5133)
RASMUSSEN & MINER
Attorney for Defendant
42 Exchange Place
Salt Lake City, Utah 84111
(801) 363-8500
FAX 363-5210

FILED
CLERK, U.S. DISTRICT COURT

2005 FEB 16 AM 10:34

RECEIVED

BY: DEPUTY CLERK FEB - 7 2005

JUDGE'S COPY

UNITED STATES DISTRICT COURT
CENTRAL DIVISION, DISTRICT OF UTAH.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JORGE ARAUJO,

Defendant.

MOTION TO EXPAND TIME

Case No. 2:04 CR 0125 DB

Jude: Dee Benson

ORDER

COMES NOW, Counsel for Defendant, JORGE ARAUJO, Lee Rasmussen and moves this Court for an Order expanding the time in the instant matter. This Motion is more specifically based upon the following:

1. Defendant Jorge Araujo has been charged in one (1) count of a four (4) Count Indictment with Possession of Cocaine with intent to distribute.
2. Negotiations between the government and the defendant have concluded and a tentative plea agreement has been reached. This agreement has been discussed with the defendant with the use of an interpreter and defendant has agreed to the terms. However a new

48

plea statement, used by the government to consider the direction of Booker has been received, but not yet discussed with the defendant.

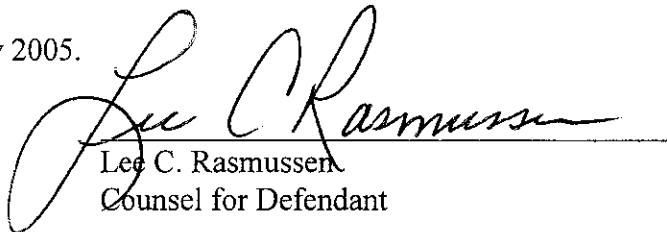
3. Defendant counsel has been diagnosed with a malady which require surgery, scheduled for February 10, 2005 and will require a 3 or 4 weeks recovery time after release from the hospital.

THEREFORE, it prayed that:

1. The time for acceptance of a plea in this matter will be expanded until after March 21, 2005.

2. Time in all other matter will be expanded until counsel can return to full employment

DATED this 7th day of February 2005.


Lee C. Rasmussen
Counsel for Defendant

SO ORDERED


DEE BENSON
United States District Judge

Date February 14, 2005

* * *
3 Day
Trial cont until
4/18/05 @ 8:30 AM * * *

DELIVERY CERTIFICATE

I certify that a true and correct copy of the foregoing was mailed, first-class, postage prepaid to:

Clark A. Harms
Special Assistant United States Attorney
185 South State Street #400,
Salt Lake City, Utah 84111-1596

Joseph H. Jardine
39 Exchange Place, Suite 100
Salt Lake City, Utah 84111

on the 7 day of February 2005



United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cr-00125

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Clark A Harms, Esq.
SALT LAKE COUNTY DISTRICT ATTORNEY'S OFFICE
111 E BROADWAY STE 400
SALT LAKE CITY, UT 84111
EMAIL

Lee C. Rasmussen, Esq.
RASMUSSEN MINER & ASSOCIATES
42 EXCHANGE PLACE
SALT LAKE CITY, UT 84111
EMAIL

Joseph Jardine, Esq.
JARDINE LAW OFFICES
39 EXCHANGE PLACE STE 100
SALT LAKE CITY, UT 84111
JFAX 9,7463508

United States Marshal Service
DISTRICT OF UTAH
/
EMAIL

US Probation
DISTRICT OF UTAH
/
EMAIL

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

FILED
CLERK U.S. DISTRICT COURT
2005 FEB 16 A 10:34
BY: [Signature]
DEPUTY CLERK

UNITED STATES OF AMERICA, : Case No. 2:01-CR-037DVB
Plaintiff, :
v. :
OZY JAY NEELEY, et al., : ORDER
Defendants. :
Judge Dee V. Benson

A status conference was held in the above-referenced action on February 7, 2005. The United States was represented by Assistant United States Attorney Mark Y. Hirata and Department of Justice Trial Attorney Kathleen McGovern. Defendant Ozy Jay Neeley was present and represented by Jerome Mooney. Defendant Paul Young was present and represented by Ed Wall. Defendant Kevin Crockett was present and represented by Rebecca Pescadore.

AUSA Hirata updated the Court about the parties' unsuccessful settlement efforts, the need to set the case for trial, and that the trial will take approximately five weeks. Jerome Mooney advised the Court that there are at least three potential trial witnesses located outside of the United States and who are not U.S. citizens. As to these witnesses, Mr. Mooney explained there may be a need to have videotaped depositions taken which would require more time to accomplish. The Court set a five-week trial to begin on November 7, 2005 and made findings under the Speedy Trial Act as noted below. There were no objections from the defendants as to

211

these findings.

Based on the statements of counsel, and good cause appearing, the Court makes the following findings:

1. The trial of this case was necessarily preceded by the trial of a related case, United States v. Ozy Jay Neeley, et al., Case No. 2:01-CR-0038DVB, involving, among others, the same defendants in this case.
2. This case is complex and involves a large volume of documents and witnesses.
3. Despite defense counsel's exercise of due diligence, the failure to grant a trial continuance in this case would deny the defendants and their counsel the reasonable time necessary for effective pre-trial preparation, including taking testimony from foreign witnesses from other countries.
4. The ends of justice served by granting a trial continuance outweigh the best interest of the public and the defendants in a speedy trial.

Based on the foregoing findings,

IT IS ORDERED that:

1. This case is set for a five-week trial beginning on November 7, 2005 at 8:30 a.m.
2. The period of delay between January 19, 2003 (the date of the Court's last Speedy Trial Act Order in this case) and November 7, 2005, is excluded, pursuant to 18 U.S.C. §§ 3161(h)(1)(D), 3161(h)(1)(I), 3161(h)(3)(A), 3161(h)(8)(A), and 3161(h)(8)(B)(ii) from the time within which trial of this case must commence.

DATED this 15th day of FEBRUARY, 2005.

BY THE COURT:



The Honorable Dee V. Benson
United States District Court Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:01-cr-00037

True and correct copies of the attached were either mailed, faxed or e-mailed
by the clerk to the following:

US Probation
DISTRICT OF UTAH
,
EMAIL

United States Marshal Service
DISTRICT OF UTAH
,
EMAIL

Rebecca A. Pescador, Esq.
4625 GORDON DR
BOULDER, CO 80305-6734
EMAIL

Mr. Paul J. Young, Esq.
489 S 1650 E
SPRINGVILLE, UT 84663

Mr. Edwin S. Wall, Esq.
WALL LAW OFFICES
8 E BROADWAY STE 500
SALT LAKE CITY, UT 84111
EMAIL

Mr. Jerome H Mooney, Esq.
MOONEY LAW FIRM
50 W BROADWAY STE 100
SALT LAKE CITY, UT 84101
EMAIL

Mr. Stewart C. Walz, Esq.
US ATTORNEY'S OFFICE
,
EMAIL

Mr. Mark Y. Hirata, Esq.
US ATTORNEY'S OFFICE
,
EMAIL

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

FEB 16 2005

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

FULKERSON,
Plaintiff,

ORDER

vs.

BARNHART,
Defendant,

Case No. 2:04CV225DAK

Plaintiff Jack Fulkerson appeals a decision of the Commissioner of Social Security denying Plaintiff's application for Social Security Disability and Supplemental Security Income Benefits.

A hearing was held on February 15, 2005. Plaintiff was represented by John J. Borsos. Defendant was represented by Michael Stanley and Scott Bates.

Plaintiff complains particularly of the ALJ's failure to determine how the vocational expert's requirement of identified jobs corresponds with the Dictionary of Occupational Titles. Plaintiff further alleges that there were unexplained discrepancies between what types of jobs Plaintiff could actually do and said Dictionary.

Defendant admits that the ALJ could have explained the discrepancies more clearly but that the ALJ's explanations are clearly implied. Defendant further suggests that this is a type of harmless error with no prejudice resulting to Plaintiff.

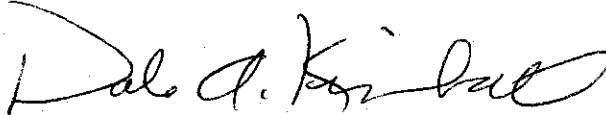
21

In Haddock v. Apfel, 196 F.3d 1084 (10th Cir. 1999), the Court held that the ALJ had to investigate and elicit reasonable explanations for conflicts between expert testimony and the Dictionary of Occupational Titles particularly regarding any jobs' exertion requirements. The Court also held that without such explanations being reasonable, clear and explicit, the ALJ could not rely on the expert's testimony as substantial evidence of nondisability. This case is very similar to Haddock. The discrepancies are not explained and there is some doubt that they can be.

After a review of the record in this case and following the mandate of Haddock, this Court remands this case back to the Social Security Administration for further hearings and proceedings consistent with this opinion.

DATED this 16th day of February, 2005.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Dale A. Kimball", written in a cursive style.

Dale A. Kimball
United States District Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-00225

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. John J. Borsos, Esq.
PO BOX 112347
SALT LAKE CITY, UT 84147-2347
EMAIL

Scott Patrick Bates, Esq.
US ATTORNEY'S OFFICE
,
EMAIL

Wayne Michael Stanley, Esq.
SOCIAL SECURITY ADMINISTRATION
1961 STOUT ST STE 120
DENVER, CO 80294

FILED
CLERK, U.S. DISTRICT COURT
2005 FEB 15 A 9:54
DISTRICT OF UTAH
BY: [Signature]
DEPUTY CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

FRANKLIN STOKES

Defendant(s),

PRETRIAL ORDER PURSUANT
TO RULE 17.1 F.R.Cr.P.

Case No. 2:04-CR-818 DKW

The above-entitled action came on for pretrial conference **February 11, 2005**, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for **4/21/05**, (2 days) at **8:30 am**. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge David K. Winder by **4/18/05** along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes X No

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

12

3. Pretrial motions are to be filed by: 3/16/05 at 5:00 p.m.

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/7/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: DETAINED.

7. All exhibits will be premarked before Judge David K. Winder's clerk before trial.

8. Other order and directions are: GOVERNMENT TO PROVIDE DISCOVERY BY 2/16/05.

9. Interpreter Needed: Yes X No Language

DATED this 11th day of February, 2005.

BY THE COURT:



Samuel Alba
Chief Magistrate Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cr-00818

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Trina A Higgins, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

A. Chelsea Koch, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

United States District Court District of Utah

UNITED STATES OF AMERICA

vs.

ALONSO MEZA-SAUCEDO
aka Jose Meza, Jorge Olivera, Fidelmail Meza,
Martin Torres, Ramon Oreol Chavez
Jose Mendoza, Alonzo Saucedo Meza, Ramon
Chavez Oreol, Thomas Carranza
Jaime Fernandez Ortiz, Jose Botello, Marin
Gomez Meza

Defendant's Soc. Sec. No.: _____

Defendant's Date of Birth: _____

Defendant's USM No.: 01632461

Defendant's Residence Address:

NONE

Country _____

THE DEFENDANT:

☒ pleaded guilty to count(s)☐ pleaded nolo contendere to count(s)
which was accepted by the court.☐ was found guilty on count(s)**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: **2:04-CR-00606-001TS**Plaintiff Attorney: Leshia M. Lee-DixonDefendant Attorney: Carlos A. GarciaAtty: CJA ___ Ret ___ FPD ☒02/16/2005

Date of Imposition of Sentence

Defendant's Mailing Address:

NONE

Country _____

COP 11/15/2004 Verdict _____**I of the Indictment****Title & Section**

8 U.S.C. § 1326

Nature of Offense

Reentry of a Previously Removed Alien

Count**Number(s)**

I of the Indictment

Entered on docket

by: [Signature]
Deputy Clerk☐ The defendant has been found not guilty on count(s)☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.**SENTENCE**

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of **77 Months**. Upon completion of this term, the defendant shall be remanded to the Bureau of Immigration and Custom Enforcement for deportation proceedings.

Upon release from confinement, the defendant shall be placed on supervised release for a term of **36 Months**.

20

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant shall not illegally reenter the United States. If the defendant returns to the United States during the period of supervision, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of arrival in the United States.

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ _____, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:
No Fine Imposed

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--

Name and Address of Payee

Amount of Loss

Amount of
Restitution Ordered

Totals: \$ _____ \$ _____

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other:

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ _____

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

DEPARTURE

The Court does not grant the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure:

RECOMMENDATION

☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

that defendant serve time in a facility near Seattle, Washington to facilitate family visitation.

Defendant: ALONSO MEZA-SAUCEDO
Case Number: 2:04-CR-00606-001TS

Page 4 of 5

CUSTODY/SURRENDER

- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district at _____ on _____.
- ☐ The defendant shall report to the institution designated by the Bureau of Prisons by _____ Institution's local time, on _____.

DATE:

2/16/05



Ted Stewart
United States District Judge

Defendant: ALONSO MEZA-SAUCEDO
Case Number: 2:04-CR-00606-001TS

Page 5 of 5

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cr-00606

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Leshia M. Lee-Dixon, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Carlos A. Garcia, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH CENTRAL DIVISION

UNITED STATES OF AMERICA	FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
Plaintiff(s),	FEB 15 2005
vs.	Case No. 2:05-CR-60 JTG
ROGELIO FLORES-ENCISO	MARKUS B. ZIMMER, CLERK
Defendant(s).	BY DEPUTY CLERK
	ORDER APPOINTING COUNSEL

The defendant, ROGELIO FLORES-ENCISO requested the appointment of counsel on 2/15/05, and at that time the court determined the defendant qualified for the appointment of counsel under 18 USC § 3006A.

Therefore,

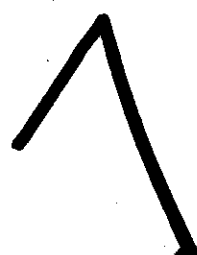
IT IS HEREBY ORDERED the Federal Public Defender, for the District of Utah, is appointed to represent the above named defendant in this matter.

DATED this 15th day of February, 2005.

BY THE COURT:



Samuel Alba
Chief Magistrate Judge



United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00060

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Karin Fojtik, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Carlos A. Garcia, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

Bryan K. Benard (9023)
Holland & Hart LLP
60 E. South Temple, Suite 2000
Salt Lake City, Utah 84111
Tel.: (801) 595-7800
Fax: (801) 364-9124

Attorneys For Defendant
Holly Refining and Marketing Corp.

FILED
CLERK, U.S. DISTRICT COURT

FEB 15 P 1:01

RECEIVED CLERK

FEB 11 2005

U.S. DISTRICT COURT

RECEIVED

FEB 11 2005

SAMUEL ALBA
U.S. MAGISTRATE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

BARTH ROBINSON,

Plaintiff,

v.

HOLLY REFINING AND MARKETING
CORPORATION,

Defendant.

)
)
) ORDER GRANTING STIPULATED
) EXTENSION OF TIME FOR
) DEFENDANT TO RESPOND TO
) FIRST AMENDED COMPLAINT

)
) Case No. 1:04 CV 00166TS

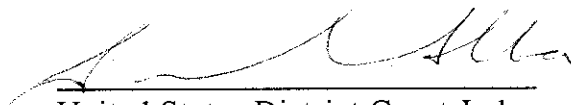
)
) Judge: Ted Stewart
)

Plaintiff Barth Robinson, by and through his attorney of record, has stipulated to, and granted, an extension of time within which Defendant Holly Refining and Marketing Corporation ("Holly") may respond to the First Amended Complaint. Holly's response to the First Amended Complaint is presently due on or before February 14, 2005. Plaintiff has agreed that Holly shall up to and including February 28, 2005.

Based on the parties' stipulation and good cause appearing therefore,

IT IS ORDERED that defendant Holly Refining and Marketing Corporation shall have up to and including February 28, 2005 to respond to the First Amended Complaint filed by Plaintiff.

DATED Feb 15th 2005.


United States District Court Judge
Megitt

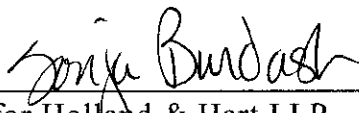
CERTIFICATE OF SERVICE

I hereby certify that on this 14 day of February, 2005, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

David J. Holdsworth
9125 South Monroe Plaza Way, Suite C
Sandy, Utah 84070

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

U.S. Mail
Hand Delivered
Overnight Mail
Telecopy (Fax)



for Holland & Hart LLP

3339612_1.DOC

jmr

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 1:04-cv-00166

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. David J Holdsworth, Esq.
9125 S MONROE PLAZA WAY STE C
SANDY, UT 84070
JFAX 9,5679960

Bryan K. Benard, Esq.
HOLLAND & HART
60 E SOUTH TEMPLE STE 2000
SALT LAKE CITY, UT 84111-1031
EMAIL

FILED
CLERK OF DISTRICT COURT

2005 FEB 16 P 1:01

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

NORTHERN DIVISION

WAYNE DODGE,

Plaintiff,

vs.

JAMES G. ROCHE,

Defendant.

Case No. 1:04-CV150 TS

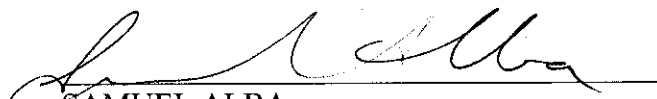
ORDER OF CLARIFICATION

The order signed by the Court on February 2, 2005, extending the time for answer stands.

The order signed February 3, 2005, and docketed February 8, 2005, is stricken.

DATED this 15th day of February, 2005.

BY THE COURT:


SAMUEL ALBA
United States Magistrate Judge

9

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 1:04-cv-00150

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Frank M Wells, Esq.
2485 GRANT AVE STE 200
OGDEN, UT 84401
JFAX 8,801,6213652

Ms. Jan N. Allred, Esq.
US ATTORNEY'S OFFICE

EMAIL

United States District Court

CENTRAL DISTRICT OF UTAH

UNITED STATES OF AMERICA

ORDER OF DETENTION PENDING TRIAL

v.

ROELIO FLORES-ENCISO

Case Number:

2:05-CR-60 JTG

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
- ☐ a crime of violence as defined in 18 U.S.C. §3156(a)(4)
- ☐ an offense for which the maximum sentence is life imprisonment or death
- ☐ an offense for which the maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense
- ☐ (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternate Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more prescribed in _____
- ☐ under 18 U.S.C. §924(c)
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternate Findings (B)

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☐ (2) There is a serious risk that the defendant will endanger the safety of another person or the community

Part II - Written Statement of Reasons for Detention

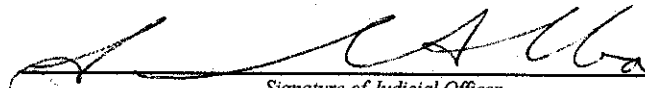
I find that the credible testimony and information submitted at the hearing establishes by (clear and convincing evidence) (a preponderance of the evidence) that

BICE HAS PLACED A HOLD ON DEFENDANT

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: February 15, 2005


Signature of Judicial Officer

CHIEF MAGISTRATE JUDGE SAMUEL ALB

Name and Title of Judicial Officer

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. §801 et seq); (b) Controlled Substances Import and Export Act (21 U.S.C. §951 et seq) or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. §955a).

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:05-cr-00060

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Karin Fojtik, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Carlos A. Garcia, Esq.
UTAH FEDERAL DEFENDER OFFICE
46 W BROADWAY STE 110
SALT LAKE CITY, UT 84101
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

United States District Court
for the District of Utah

FILED
CLERK, U.S. DISTRICT COURT
FEB 15 10 P 12 53

Petition and Order for Warrant for Offender Under Supervision

Name of Offender: **Moises Gallegos**

Docket Number: **2:03-CR-00802-001-TS**

Name of Sentencing Judicial Officer: **Ted Stewart, U.S. District Court Judge**

Date of Original Sentence: **July 12, 2004**

Original Offense: **Providing False Information in the Acquisition of a Firearm**

Original Sentence: **15 months BOP custody and 36 months supervised release**

Type of Supervision: **Supervised Release**

Supervision Began: **February 4, 2005**

PETITIONING THE COURT

☒ To issue a warrant to be placed as a
detainer and toll the supervision term


In custody:
Salt Lake Adult Detention Center

CAUSE

The probation officer believes that the offender has violated the conditions of supervision as follows:

Allegation No. 1: The defendant was arrested on February 11, 2005, for Solicitation of a Prostitute.

I declare under penalty of perjury that the foregoing is true and correct



Eric Anderson, U.S. Probation Officer

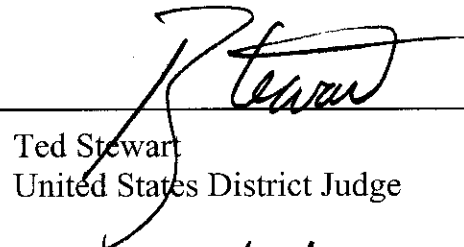
Date: February 15, 2005

THE COURT ORDERS:

☒ The issuance of a warrant to be placed as a
detainer and tolling of the supervision term

☐ No action

☐ Other



Ted Stewart
United States District Judge

Date: 2/16/05



jmr

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cr-00088

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL

Colleen K. Coebergh, Esq.
29 S STATE ST #007
SALT LAKE CITY, UT 84111
EMAIL

FILED
CLERK'S OFFICE

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

776 FEB 16 P 12:53

DEPUTY CLERK

UNITED STATES OF AMERICA,

2:04-CR-⁷⁴⁸~~005~~ITS

Plaintiff,

vs.

:
:
: ORDER TO CONTINUE TRIAL
AND EXCLUDE TIME UNDER
THE SPEEDY TRIAL ACT

JOSE CHACON-RIOS,

Defendant.

The parties appeared before the Court on February 1, 2005, for a status conference in this case. Based on a motion by the United States, agreed to by the defense, and for good cause appearing,

IT IS HEREBY ORDERED that the trial set for January 31, 2005, is hereby stricken and a new trial set for May 4, 2005, at 8:30 a.m.

IT IS FURTHER ORDERED that the time between February 1, 2005, and May 4, 2005, is excluded under 18 U.S.C. §§ 3161 (h) (8) (A) and (h) (8) (b) (iv) of the Speedy Trial Act because the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. This is based on the fact that the continuance is necessary in order to maintain continuity of counsel.

17

IT IS SO ORDERED.

DATED this 16th day of February, 2005.



TED STEWART
U.S. District Court Judge

United States District Court
for the
District of Utah
February 16, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cr-00748

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Veda M. Travis, Esq.
US ATTORNEY'S OFFICE

,
EMAIL

Robert Breeze, Esq.
402 E 900 S #1
SALT LAKE CITY, UT 84111
EMAIL

United States Marshal Service
DISTRICT OF UTAH

,
EMAIL

US Probation
DISTRICT OF UTAH

,
EMAIL